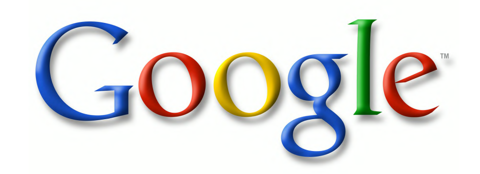
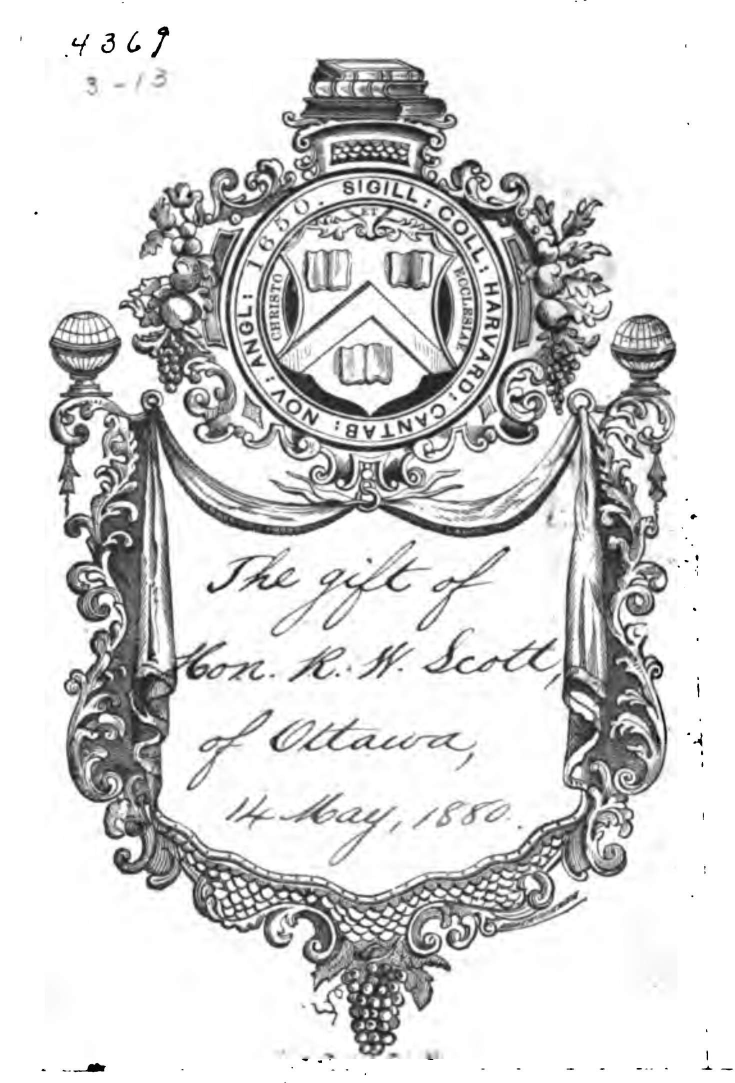





SIGILL: COLL: HARVARD: CANTAB: NOV: ANGL: 1650.
CHRISTO ET ECCLESIAE
The gift of
Hon. R. W. Scott,
of Ottawa,
14 May, 1880.

For the true title-page of vol. [illegible]

ANNO REGNI

VICTORIÆ,

Britanniarum Reginæ,

TRICESIMO PRIMO ET TRICESIMO-SECUNDO.

At the Parliament begun and holden at *Westminster*, the First Day of *February, Anno Domini* 1866, in the Twenty-ninth Year of the Reign of our Sovereign Lady VICTORIA, by the Grace of God of the United Kingdom of *Great Britain* and *Ireland*, Queen, Defender of the Faith:

And from thence continued by several Prorogations to the Nineteenth Day of *November*, 1867; being the THIRD SESSION of the NINETEENTH PARLIAMENT of the United Kingdom of *Great Britain* and *Ireland.*



OTTAWA:
PRINTED BY MALCOLM CAMERON,
LAW PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY.

1869.



ANNO TRICESIMO PRIMO ET TRICESIMO-SECUNDO

VICTORIÆ REGINÆ.

CAP. CV.

An Act for enabling Her Majesty to accept a Surrender upon Terms of the Lands, Privileges, and Rights of "The Governor and Company of Adventurers of *England* trading into *Hudson's Bay*," and for admitting the same into the Dominion of *Canada*.

[31*st July*, 1868.]

WHEREAS by certain Letters Patent granted by His late Majesty King *Charles* the Second in the Twenty-second Year of His Reign, certain Persons therein named were incorporated by the Name of "The Governor and Company of Adventurers of *England* trading into *Hudson's Bay*," and certain Lands and Territories, Rights of Government, and other Rights, Privileges, Liberties, Franchises, Powers and Authorities, were thereby granted or purported to be granted to the said Governor and Company in His Majesty's Dominions in *North America*: Recital of Charter of Hudson's Bay Company, 22 Car. 2.

And whereas by the *British North America* Act, 1867, it was (amongst other things) enacted that it should be lawful for Her Majesty, by and with the Advice of Her Majesty's most Honorable Privy Council, on Address from the Houses of the Parliament of *Canada*, to admit *Rupert's Land* and the North-western Territory, or either of them, into the Union on such Terms and Conditions as are in the Address expressed and as Her Majesty thinks fit to approve, subject to the Provisions of the said Act.

And whereas for the Purpose of carrying into effect the Provisions of the said *British North America* Act, 1867, and of admitting *Rupert's Land* into the said Dominion as aforesaid upon such Terms as Her Majesty thinks fit to approve, it is expedient that the said Lands, Territories, Rights, Privileges, Liberties, Franchises, Powers and Authorities, so far as the same have been lawfully granted to the said Company, should be surrendered to Her Recital of Agreement of surrender.

Her Majesty, Her Heirs and Successors, upon such Terms and Conditions as may be agreed upon by and between Her Majesty and the said Governor and Company as hereinafter mentioned:

Be it therefore enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Short Title.

1. This Act may be cited as "*Rupert's Land* Act, 1868."

Definition of "Rupert's Land."

2. For the Purposes of this Act the Term "*Rupert's Land,*" shall include the whole of the Lands and Territories held or claimed to be held by the said Governor and Company.

Power to Her Majesty to accept Surrender of Lands, &c., of the Company upon certain Terms.

3. It shall be competent for the said Governor and Company to surrender to Her Majesty, and for Her Majesty by any Instrument under Her Sign Manual and Signet to accept a Surrender of all or any of the Lands, Territories, Rights, Privileges, Liberties, Franchises, Powers and Authorities whatsoever granted or purported to be granted by the said Letters Patent to the said Governor and Company within *Rupert's Land*, upon such Terms and Conditions as shall be agreed upon by and between Her Majesty and the said Governor and Company; provided however, that such Surrender shall not be accepted by Her Majesty until the Terms and Conditions upon which *Rupert's Land* shall be admitted into the said Dominion of *Canada* shall have been approved of by Her Majesty, and embodied in an Address to Her Majesty from both the Houses of the Parliament of *Canada* in pursuance of the One hundred and forty-sixth Section of the *British North America* Act, 1867; and that the said Surrender and Acceptance thereof shall be null and void unless within a Month from the Date of Such Acceptance Her Majesty does by Order in Council under the Provisions of the said last recited Act admit *Rupert's Land* into the said Dominion; provided further, that no Charge shall be imposed by such Terms upon the Consolidated Fund of the United Kingdom.

Extinguishment of all Rights of the Company.

4. Upon the Acceptance by Her Majesty of such Surrender all Rights of Government and Proprietary Rights, and all other Privileges, Liberties, Franchises, Powers and Authorities whatsoever, granted or purported to be granted by the said Letters Patent to the said Governor and Company within *Rupert's Land,* and which shall have been so surrendered, shall be absolutely extinguished; provided that nothing herein contained shall prevent the said Governor and Company from continuing to carry on in *Rupert's Land* or elsewhere Trade and Commerce.

Power to Her Majesty by Order in Council to ad-

5. It shall be competent to Her Majesty by any such Order or Orders in Council as aforesaid, on Address from the Houses of the Parliament of *Canada*, to declare that *Rupert's Land* shall, from a Date

Date to be therein mentioned, be admitted into and become Part of the Dominion of *Canada*; and thereupon it shall be lawful for the Parliament of *Canada* from the Date aforesaid to make, ordain, and establish within the Land and Territory so admitted as aforesaid all such Laws, Institutions, and Ordinances, and to constitute such Courts and Officers, as may be necessary for the Peace, Order, and good Government of Her Majesty's Subjects and others therein: Provided that, until otherwise enacted by the said Parliament of *Canada*, all the Powers, Authorities, and Jurisdiction of the several Courts of Justice now established in *Rupert's Land*, and of the several Officers thereof, and of all Magistrates and Justices now acting within the said Limits, shall continue in full force and effect therein.

mit Rupert's Land into and form Part of the Dominion of Canada.

Jurisdiction of present Courts and Officers continued.



ANNO TRICESIMO-PRIMO ET TRICESIMO-SECUNDO.

VICTORIÆ REGINÆ.

CAP. CXXIX.

An Act to amend the Law relating to the Registration of Ships in *British* Possessions.

[31st *July* 1868.]

BE it enacted by the Queen's most Excellent Majesty, by and with the Advice and Consent of the Lords Spiritual and Temporal, and Commons, in this present Parliament assembled, and by the Authority of the same, as follows:

Grant of terminable Certificates of Registry, subject to Conditions, in Colonies.

1. The Governor or Officer lawfully administering the Government of any *British* Possession may from Time to Time, with the Approval of One of Her Majesty's Principal Secretaries of State, make Regulations providing that on an Application for Registration under the Merchant Shipping Act, 1854, in that Possession of any Ship not exceeding Sixty Tons Burden, the Registrar may grant, in lieu of a Certificate of Registry as required by that Act, a Certificate of Registry to be terminable at the End of Six Months from the granting thereof, or of any longer Period; and all Certificates of Registry granted under any such Regulations shall be in such Form and shall have Effect subject to such Conditions as the Regulations prescribe.

Ship to be deemed registered.

2. Notwithstanding anything in the Merchant Shipping Act, 1854, or in any other Act, any Ship to which a Certificate is granted under any such Regulations shall, while such Certificate is in force, and in relation to all Things done or omitted during that Period, be deemed a registered *British* Ship.

Governors abroad may

3. The Governor of any *British* Possession abroad may from Time to Time appoint fit and proper Persons to be Surveyors, who

appoint Surveyors.

who shall have and exercise within such Possession all the Powers with respect to the Inspection of Crew Spaces that are conferred upon the Board of Trade Surveyors in the United Kingdom by Section Nine of the Merchant Shipping Act, 1867.

Construction of Act.

4. This Act shall be read as One Act with the Merchant Shipping Act, 1854, and the Acts amending the same.

Short title.

5. This Act may be cited as The Colonial Shipping Act, 1868.

STATUTES OF CANADA

PASSED IN THE SESSION HELD IN THE

THIRTY-FIRST YEAR OF THE REIGN OF HER MAJESTY

QUEEN VICTORIA,

BEING THE FIRST SESSION OF THE FIRST PARLIAMENT OF CANADA.

Begun and holden at Ottawa, on the Sixth day of November, and adjourned on the Twenty-first December, 1867, to the Twelfth March following.

RESERVED ACTS.



HIS EXCELLENCY

THE RIGHT HONORABLE CHARLES STANLEY VISCOUNT MONCK,

GOVERNOR GENERAL.

OTTAWA:

PRINTED BY MALCOLM CAMERON,

LAW PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY.

Anno Domini, 1869.



ANNO TRICESIMO-PRIMO

VICTORIÆ REGINÆ.

CAP. XCIV.

An Act respecting the Treaty between Her Majesty and the United States of America, for the apprehension and surrender of certain offenders.

[*Reserved for the signification of Her Majesty's pleasure thereon*, 22*nd May*, 1868 : *Royal Assent given by Her Majesty in Council on the* 19*th June*, 1868 ; *Proclamation thereof made by His Excellency the Governor General on the* 8*th August*, 1868.]

Preamble.

Treaty with U. S. of 9th August, 1842, recited.

WHEREAS, by the tenth article of a Treaty between Her Majesty and the United States of America, signed at Washington on the ninth day of August, in the year one thousand eight hundred and forty-two, the ratifications whereof were exchanged at London, on the thirtieth day of October, in the same year, it was agreed that Her Majesty and the said United States should, upon mutual requisition by them or their Ministers, Officers or Authorities respectively made, deliver up to justice all persons who, being charged with the crime of murder, or assault with intent to commit Murder, or Piracy, or Arson, or Robbery, or Forgery, or the Utterance of Forged Paper, committed within the jurisdiction of either of the High Contracting parties, should seek an Asylum or should be found within the Territories of the other, provided that this should only be done upon such evidence of criminality as according to the laws of the place where the fugitive or person so charged should be found, would justify his apprehension and commitment for trial if the crime or offence had been there committed ; and that the respective Judges and other Magistrates of the two Governments should have power, jurisdiction and authority, upon complaint made under oath, to issue a warrant for the apprehension of the fugitive or person so charged, so that he might be brought before such Judges or other Magistrates respectively, to the end that the evidence of criminality might be heard and considered, and that if on such hearing the

evidence

evidence should be deemed sufficient to sustain the charge, it should be the duty of the examining Judge or Magistrate to certify the same to the proper Executive Authority, that a warrant might issue for the surrender of such fugitive; and that the expense of such apprehension and delivery should be borne and defrayed by the party making the requisition and receiving the fugitive; And whereas it is by the eleventh article of the said Treaty further agreed, that the tenth article hereinbefore recited should continue in force until one or other of the High Contracting Parties should signify its wish to terminate it, and no longer; And whereas certain provisions of the Act passed by the Parliament of the United Kingdom of Great Britain and Ireland, in the Session held in the sixth and seventh years of Her Majesty's Reign, for giving effect to the Treaty aforesaid, and intituled: *An Act for giving effect to a Treaty between Her Majesty and the United States of America, for the apprehension of certain Offenders*, have been found inconvenient in practice in Canada, and more especially that provision which requires that before the arrest of any such offender a Warrant shall issue under the Hand and Seal of the person administering the Government, to signify that a requisition hath been made by the authority of the United States for the delivery of the offender as aforesaid, and to require all Justices of the Peace, and other Magistrates and Officers of Justice, within their several jurisdictions, to govern themselves accordingly, and to aid in apprehending the person so accused, and in committing such person to Gaol for the purpose of being delivered up to justice according to the provisions of the said Treaty, inasmuch as by the delay occasioned by compliance with the said provision, an offender may have time afforded him for eluding pursuit; And whereas by the fifth section of the said Act it is enacted, that if by any Law or Ordinance to be thereafter made by local Legislature of any British Colony or Possession abroad, provision shall be made for carrying into complete effect within such Colony or Possession, the objects of the said Act, by the substitution of some other enactment in lieu thereof, then Her Majesty may, with the advice of Her Privy Council (if to Her Majesty in Council it seems meet), suspend, within any such Colony or Possession, the operation of the said Act of the Imperial Parliament, so long as such substituted enactment continues in force there, and no longer; And whereas it is expedient to make provision for carrying the objects of the said Act and Treaty into complete effect within the whole Dominion of Canada by the substitution of other enactments in lieu of those of the said Imperial Act: Therefore, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

Imp. Act 6, 7 Vict., c. 76, cited.

By whose order and on what evidence persons charged with certain crimes committed in the

1. Upon complaint made under oath, or affirmation (in cases where affirmations can legally be taken instead of oaths), charging any person found within the limits of Canada with having committed, within the jurisdiction of the United States of America, any of the crimes enumerated or provided for by the said Treaty, it shall be lawful for any Judge of any of Her Majesty's Superior Courts

Courts in Canada, or any Judge of a County Court in Canada, or any Recorder of a City in Canada, or any Police Magistrate, or Stipendiary Magistrate in Canada, or any Judge of the Sessions of the Peace in the Province of Quebec, or any Inspector and Superintendent of Police, empowered to act as a Justice of the Peace in the Province of Quebec, or any Commissioner appointed for the purpose by the Governor under the Great Seal, (which appointment the Governor is hereby authorized to make, and under which Commission such Commissioner shall for the purposes of this Act, have all the powers of a Judge of one of Her Majesty's Superior Courts,) to issue his Warrant for the apprehension of the person so charged, that he may be brought before such Judge, Commissioner or other Officer, and upon the said person being brought before him, under such warrant, it shall be lawful for such Judge, Commissioner or other Officer, to examine upon oath any person or persons touching the truth of such charge, and upon such evidence as according to the laws of the Province in which he has been apprehended would justify the apprehension and committal for trial of the person so accused, if the crime of which he is so accused had been committed therein, it shall be lawful for such Judge, Commissioner or other Officer to issue his warrant for the commitment of the person so charged, to the proper gaol, there to remain until surrendered according to the stipulation of the said Treaty, or until discharged according to law; and the Judge, Commissioner or other Officer shall thereupon forthwith transmit or deliver to the Governor, a copy of all the testimony taken before him, that a warrant may issue, upon the requisition of the United States, for the surrender of such person, pursuant to the said Treaty.

U. S., may be arrested and detained.

Copy of evidence to be transmitted to the Governor.

2. In every case of complaint as aforesaid, and of a hearing upon the return of the warrant of arrest, copies of the depositions upon which the original warrant was granted in the United States, certified under the hand of the person or persons issuing such warrant, and attested upon the oath of the party producing them, to be true copies of the original depositions, may be received in evidence of the criminality of the person so apprehended.

Certain copies of depositions may be received in evidence.

3. It shall be lawful for the Governor, at any time not less than seven days after the commitment of an accused person, according to the provisions of the first section, upon a requisition made as aforesaid, by the United States, by Warrant under his hand and seal, to order the person so committed, to be delivered to the person or persons authorized to receive such person in the name and on behalf of the said United States, to be tried for the crime of which such person stands accused, and such person shall be delivered up accordingly; and the person or persons, authorized as aforesaid, may hold such person in custody, and take him to the territories of the said United States, pursuant to the said Treaty; and if the person so accused, escapes out of any custody to which he stands committed, or to which he has been delivered as aforesaid, such person may be retaken in the same manner as

The Governor may after a period of seven days from commitment, order the delivery of the offender, on the requisition of the U. S.

Provision in case of escape.

any

any person accused of any crime against the laws of the Province in which the escape occurs, may be retaken upon an escape.

Governor may in his discretion, order the discharge of the person so committed.

4. In case at any time after such commitment as aforesaid, the Governor determines that the person so committed, ought not to be so delivered as aforesaid, it shall be lawful for the Governor, by a warrant under his hand and seal, to order such person to be discharged out of custody upon such commitment.

Prisoner detained more than two months after commitment, &c., may be discharged by order of a Judge.

5. In case any person committed under this Act and the Treaty aforesaid, to remain until delivered up in pursuance of a requisition as aforesaid, be not delivered up pursuant thereto and conveyed out of Canada within two months after such commitment, over and above the time actually required to convey the prisoner from the Gaol to which he has been committed by the readiest way out of Canada, any one or more of the Judges of any of Her Majesty's Superior Courts in Canada, having power to grant a writ of *Habeas Corpus*, may, upon application made to him or them by or on behalf of the person so committed, and upon proof made to him or them that reasonable notice of the intention to make such application has been given to the Secretary of State of Canada, order the person so committed to be discharged out of custody, unless sufficient cause be shewn to such Judge or Judges why such discharge should not be ordered.

Duration of this Act.

6. This Act shall continue in force during the continuance of the tenth article of the said Treaty and no longer.

Inconsistent enactments superseded and repealed.

Except as to proceedings commenced.

7. The eighty-ninth chapter of the Consolidated Statutes of the late Province of Canada, and the Act of the Legislature of that Province passed in the twenty-fourth year of Her Majesty's Reign, chapter six, are superseded by this Act and repealed, except as respects any proceedings commenced under them or either of them before the passing of this Act, which shall be continued and completed under them as if this Act had not been passed.

OTTAWA:—Printed by Malcolm Cameron, Law Printer to the Queen's Most Excellent Majesty.



ANNO TRICESIMO-PRIMO

VICTORIÆ REGINÆ.

CAP. XCV.

An Act for the relief of Joseph Frederick Whiteaves.

[*Reserved for the signification of Her Majesty's pleasure thereon on the 22nd May,* 1868; *Royal assent given by Her Majesty in Council on the 7th July,* 1868; *Proclamation thereof made by His Excellency the Governor General on the 26th September,* 1868.]

WHEREAS, Joseph Frederick Whiteaves, of the City of Montreal, Esquire, Curator of the Museum of the Natural History Society of Montreal, hath, by his petition humbly set forth, that on the eighteenth day of June, one thousand eight hundred and sixty-three, he was married to Julia Wolff; that they lived and cohabited together as husband and wife up to about the seventh day of March, one thousand eight hundred and sixty-six, when he discovered that she had been leading an irregular life, and had been committing adultery with a certain person named in the evidence within a year next preceding that date; that thereupon the said Julia Wolff left the house of the said Joseph Frederick Whiteaves and has ever since continued to live apart from him; that the said Julia Wolff had by her conduct dissolved the Bond of Matrimony on her part; that the said Joseph Frederick Whiteaves had taken measures to establish judicially the adulterous correspondence of the said Julia Wolff, and was ready to prove the allegations of his said petition; wherefore he humbly prayed that the said marriage might be dissolved so as to enable him to marry again, and that such further relief might be afforded him as might be deemed fit; And whereas the said Joseph Frederick Whiteaves hath since procured a judgment against the said Julia Wolff establishing the adultery above mentioned, and it is expedient that the prayer of the said petition should be granted: Therefore, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— Preamble. Case recited.

1.

The marriage and marriage contract annulled.

1. The said marriage between the said Joseph Frederick Whiteaves and Julia Wolff, his wife, is and shall be henceforth null and void to all intents and purposes whatsoever, as well as the marriage contract executed between the said Joseph Frederick Whiteaves and the said Julia Wolff, before S. J. Glackemeyer and his colleague, Notaries, on the seventeenth day of June, one thousand eight hundred and sixty-three.

Whiteaves may marry again.

2. It shall and may be lawful for the said Joseph Frederick Whiteaves at any time hereafter, to contract matrimony, and to marry with any other woman with whom he might lawfully marry, in case the said marriage had not been solemnized.

The children of any such marriage declared legitimate.

3. In case of the said Joseph Frederick Whiteaves again contracting matrimony with any person or persons with whom it would have been lawful for him to contract matrimony, if they, the said Joseph Frederick Whiteaves and Julia Wolff had not intermarried, and having any issue born to him, the said issue so born shall be and are hereby declared to be, to all intents and purposes, legitimate, and the rights of them the said issue, and each of them, and of their respective heirs, as respects their and each of their capacity to inherit, have, hold, enjoy, and transmit all and all manner of property, real or personal, of what nature or kind soever, from any person or persons whomsoever, shall be and remain the same as they would have been, to all intents and purposes whatsoever, if the marriage between the said Joseph Frederick Whiteaves and Julia Wolff had not taken place.

OTTAWA:—Printed by MALCOLM CAMERON, Law Printer to the Queen's Most Excellent Majesty.

STATUTES OF CANADA

PASSED IN THE SESSION HELD IN THE

THIRTY-SECOND AND THIRTY-THIRD YEARS OF THE REIGN
OF HER MAJESTY

QUEEN VICTORIA,

BEING THE SECOND SESSION OF THE FIRST PARLIAMENT OF CANADA,

Begun and holden at Ottawa, on the Fifteenth day of April, 1869, and closed by prorogation on the Twenty-second day of June, in the same year.



HIS EXCELLENCY

THE RIGHT HONORABLE SIR JOHN YOUNG,

GOVERNOR GENERAL.

OTTAWA:
PRINTED BY MALCOLM CAMERON,
LAW PRINTER TO THE QUEEN'S MOST EXCELLENT MAJESTY.

Anno Domini, 1869.



ANNO TRICESIMO-SECUNDO ET TRICESIMO-TERTIO

VICTORIÆ REGINÆ.

CAP. I.

An Act for granting to Her Majesty certain sums of money required to defray certain expenses of the public service, for the financial years ending respectively the 30th June, 1869, and the 30th June, 1870, and for other purposes relating to the public service.

[*Assented to 22nd June,* 1869.]

MOST GRACIOUS SOVEREIGN:

WHEREAS it appears by messages from His Excellency Sir John Young, Governor General of the Dominion of Canada, and the Estimates accompanying the same, that the sums hereinafter mentioned are required to defray certain expenses of the public service of the Dominion not otherwise provided for, for the financial years ending respectively the thirtieth day of June, one thousand eight hundred and sixty-nine, and the thirtieth day of June, one thousand eight hundred and seventy, and for other purposes connected with the public service: May it therefore please your Majesty, that it may be enacted, and be it enacted by the Queen's Most Excellent Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, that:— **Preamble.**

1. From and out of the Consolidated Revenue Fund of Canada, there shall and may be applied a sum not exceeding in the whole three hundred and eighty thousand nine hundred and four dollars and twelve cents, towards defraying the several charges and expenses of the public service of the Dominion, from the first day of July, in the year of Our Lord one thousand eight hundred and sixty-eight, to the thirtieth day of June, in the year of Our Lord one thousand eight hundred and sixty-nine, not otherwise provided for, and set forth in the Schedule to this Act, and for the other purposes in the said Schedule mentioned. **$380,904.12 granted for 1868-9 out of Con. Rev. Fund of Canada.**

2. From and out of the Consolidated Revenue Fund of Canada, there shall and may be paid and applied a sum not exceeding in the whole fourteen million two hundred and five thousand and sixteen dollars and sixty-eight cents, towards defraying the several **$14,205,016.68 granted for 1869-70 out of the same Fund.**

charges

charges and expenses of the Public service of the Dominion, from the first day of July, in the year of our Lord, one thousand eight hundred and sixty-nine, to the thirtieth day of June, in the year of our Lord, one thousand eight hundred and seventy, not otherwise provided for, and set forth in the said schedule to this Act, and for the other purposes in the said schedule mentioned.

Loan of $1,-460,000 authorised to pay Hudson's Bay Co. for their rights in Rupert's Land.

3. The Governor in Council may authorize the raising of a sum of money, not exceeding three hundred thousand pounds sterling, or one million four hundred and sixty thousand dollars, by way of loan, with the guarantee of the Government of the United Kingdom, for the purpose of meeting a like sum, payable out of the Consolidated Revenue Fund, to the Hudson's Bay Company, as provided in the proposed agreement with the said Company, laid before the Parliament of Canada, with other documents on the same subject, by His Excellency the Governor General, on the seventeenth of May, in the present year, and embodied in the Address to Her Most Gracious Majesty adopted by the Senate and House of Commons of Canada; And such loan may be raised either in currency or sterling money, on such terms, for such period, in such form, at such rate of interest and with such sinking fund and subject to such conditions as the Governor in Council may think most advisable, with the approval of the Commissioners of Her Majesty's Treasury; and such loan, interest and sinking fund shall be a charge upon the Consolidated Revenue Fund of Canada.

Further loan of $1,460,000 for other expenses relative to the same Territory.

4. The Governor in Council may authorize the raising, by way of loan, of a further sum not exceeding in the whole, three hundred thousand pounds sterling, or one million four hundred and sixty thousand dollars, on the credit of the Dominion of Canada, for the purpose of defraying the expense of opening up communication with and of the settlement and administration of the Government of the North-West Territories; and such loan may be raised either in currency or sterling money, on such terms, for such period, in such form, at such rate of interest, with such sinking fund and subject to such conditions as the Governor in Council may think most advisable; and such loan shall be a charge upon the Consolidated Revenue Fund of Canada.

Recital of power to raise money on credit of Con. Rev. Fund of Canada.

5. And whereas it appears by the Public Accounts of the Dominion laid before Parliament during the present Session, that on the thirtieth day of June, one thousand eight hundred and sixty-eight, there remained unborrowed and negotiable, of the sums which the Governor in Council had then by virtue of divers Acts authority to cause to be raised by Loan on the credit of the Consolidated Revenue Fund of Canada, the sum of eight million three hundred and eighty thousand nine hundred and twenty-five dollars and fifty-five cents, exclusive of the balance of the loan authorized for the Intercolonial Railway, the loan for certain works of fortification, the issue of Dominion Stock to

Insurance

Insurance Companies under the Act in that behalf, and the balance unissued of the amount of Dominion Notes authorized to be issued under the Acts in that behalf; And whereas since the day last aforesaid, and up to the time of the passing of this Act, Debentures of the Dominion, or for which the Dominion was liable, have been redeemed to the amount of one million five hundred and seventy-three thousand six hundred dollars, making together the sum of nine million nine hundred and fifty-four thousand five hundred and twenty-five dollars and fifty-five cents, for which debentures might be lawfully issued; And whereas it is desirable that the authority to issue such debentures should be cancelled and repealed, and that in lieu thereof the Governor in Council should be authorized to raise by way of loan on the credit of Consolidated Revenue Fund a sum not exceeding seven million dollars, over and above the special loans and issues hereinabove mentioned: therefore it is declared and enacted, that the Governor in Council may authorize the raising of the said sum of seven million dollars, as well as the said special loans and issues mentioned in this section, and the loans authorized by the foregoing sections of this Act, in such sums either in currency or in sterling money, as he thinks best, and by any of the methods following, or partly by one and partly by another or others of such methods, that is to say: by the issue, or issue and sale of Dominion Stock, or of Debentures or of Exchequer Bills, or Exchequer Bonds, or by the granting of Terminable Annuities; any of which said securities shall be in such form and be made payable for such sums and bearing such rate of interest and for or redeemable at such periods of time respectively, as the Governor in Council may deem expedient; and such provisions may be made for the creation of a sinking fund for the repayment of the said loans and for the management thereof as the Governor in Council may think proper to make, subject always as respects the loan mentioned in section three, to the approval of the Commissioners of Her Majesty's Treasury; and all sums of money so raised shall form part of the Consolidated Revenue Fund of Canada, out of which the sums mentioned in the foregoing sections and in the said Schedules are made payable as aforesaid.

Total amount beyond certain special loans and issues, limited to $7,000,000. How the same may be raised.

6. Provided always, that if at any time the Governor in Council deems it advisable to change the form of any part of the existing Funded Debt by substituting one class of securities for another, the restriction as to the above total sum of seven million dollars which by the preceding section may not be exceeded in the financial year ending on the thirtieth day of June, eighteen hundred and seventy, shall not prevent the issue of new securities in place of old ones called in and redeemed, provided neither the capital of the debt nor the annual charge for interest be thereby increased.

Governor in Council may change the form of securities without increasing the debt, &c.

7. A detailed account of the sums raised under the authority of this Act shall be laid before the House of Commons of Canada during the first fifteen days of the then next session of Parliament.

Accounting clause.

SCHEDULE

SCHEDULE.

SUMS granted to Her Majesty by this Act, for the Financial Year, ending 30th June, 1870, and the purposes for which they are granted.

SERVICE.	Amount.	Total.
CIVIL GOVERNMENT.	$ cts.	$ cts.
The Salaries of the Staff of the several Departments at Ottawa, viz.:—		
The Governor General's Secretary's Office..........	8,955 00	
The Department of the Privy Council..............	10,550 00	
The Department of Justice..................	7,000 00	
The Department of Militia and Defence.............	15,000 00	
The Department of the Secretary of State.	25,290 00	
The Department of the Secretary of State for the Provinces..................................	5,200 00	
The Department of the Receiver General	15,850 00	
The Finance Department—Accounting Branch.........	12,650 00	
Do Audit Branch.............	19,200 00	
The Customs Department	23,400 00	
The Inland Revenue Department..........	13,350 00	
The Department of Public Works..............	40,190 00	
The Post Office Department....................	57,650 00	
The Department of Agriculture...................	16,950 00	
The Department of Marine and Fisheries	12,250 00	
Departmental Contingencies..........................	216,500 00	
To meet the possible amount beyond the average salaries voted, which may be required to cover the sums payable in each individual case, after the final reorganization of the Civil Service, or any extension of the staff or other change which such reorganization may require.....	40,000 00	
	539,985 00	
The Dominion Offices, Nova Scotia.......................	11,000 00	
Do New Brunswick..................	4,000 00	
Total Civil Government..................	....	554,985 00
ADMINISTRATION OF JUSTICE.		
Circuit Allowances, Ontario	13,000 00	
Circuit Allowances, Quebec................................	13,000 00	
Circuit Allowances, Nova Scotia..........................	4,000 00	
Circuit Allowances, New Brunswick......................	4,000 00	
Travelling Expenses, Judges, County Courts, Ontario.........	7,800 00	
Travelling Expenses, Judges, District of Algoma............	200 00	
Miscellaneous	10,000 00	
Total.....................................	....	52,000 00
Carried forward.......	....	606,985 00

SCHEDULE

SCHEDULE.—*Continued.*

SERVICE.	Amount.	Total.
	$ cts.	$ cts.
Brought forward........	....	606,985 00
POLICE.		
Police of the Dominion....................................	20,000 00	
Harbour Police, Montreal..................................	11,628 00	
River Police, Quebec......................................	11,812 00	
Total..	....	43,440 00
PENITENTIARIES.		
Penitentiary, Kingston, Ontario...........................	119,387 00	
Criminal Lunatic Asylum, do	55,699 00	
Penitentiary, Halifax, Nova Scotia........................	16,000 00	
Do St. John, New Brunswick..........................	41,180 00	
Directors of Penitentiaries...............................	9,000 00	
Total..	....	241,266 00
LEGISLATION.		
Senate.		
Salaries and Contingent Expenses of the Senate............	45,634 18	
House of Commons.		
Salaries and Contingencies, per Clerk's Estimate...........	79,265 00	
Salaries and Contingencies, per Sergeant-at-Arms, Estimate..	38,868 75	
Gratuity to Officers whose services were dispensed with at end of Session of 1867-8....................................	1,450 00	
Miscellaneous.		
Contingencies of the Clerk of the Crown in Chancery.........	1,000 00	
Grant to Parliamentary Library............................	6,000 00	
Miscellaneous Printing.....................................	2,000 00	
Printing and Binding Statutes..............................	20,000 00	
Printing, Printing-paper and Bookbinding,..................	40,000 00	
Commission for making provision for the uniformity of the Laws of the Provinces................................	20,000 00	
Consolidation of Criminal Law.	2,000 00	
St. Lawrence and Ottawa Railway, for two Special Parliamentary trains daily during Session of Parliament, (estimated)	2,400 00	
Total..	....	258,617 93
Carried forward........	....	1,150,308 93

SCHEDULE

SCHEDULE.—*Continued.*

SERVICE.	Amount.	Total.
	$ cts.	$ cts.
Brought forward........	....	1,150,308 93
GEOLOGICAL SURVEY AND OBSERVATORIES.		
Observatories.		
Observatory, Quebec..........	2,400 00	
Do Toronto..........	4,800 00	
Do Kingston..........	500 00	
Do Montreal..........	500 00	
Do Halifax..........	750 00	
Do New Brunswick..........	750 00	
Total..........	....	9,700 00
ARTS, AGRICULTURE AND STATISTICS.		
Salaries and contingent expenses of Statistics Office, Halifax..	3,810 00	
Salaries of 316 Deputy Registrars, Nova Scotia..........	1,580 00	
Collecting Statistics of Births, Marriages and Deaths..........	710 00	
Total..........	....	6,100 00
IMMIGRATION AND QUARANTINE.		
Salaries of Immigration Agents and Employés..........	11,710 00	
Medical Inspection, Port of Quebec..........	2,600 00	
Quarantine, Grosse-Isle..........	11,000 00	
Do St. John, N.-B..........	3,900 00	
Do Halifax, N.-S..........	4,060 00	
Contingent Expenses in Europe..........	3,000 00	
Do Canada..........	4,000 00	
Transport and aid to Immigrants..........	5,000 00	
To meet possible expenses of Immigration..........	10,000 00	
Total..........	....	55,270 00
MARINE HOSPITALS.		
Marine and Emigrant Hospital, Quebec..........	17,500 00	
Marine Hospitals, New Brunswick and Nova Scotia, and Maintenance of Sick and Distressed Seamen at the several Ports of the Dominion, and Shipwrecked Seamen..........	17,000 00	
Total..........	....	34,500 00
PENSIONS.		
Samuel Waller, late Clerk, House of Assembly..........	400 00	
L. Gagné, Messenger, do	72 00	
Carried forward..........	472 00	1,255,878 93

SCHEDULE

SCHEDULE.—*Continued.*

SERVICE.	Amount.	Total.
	$ cts.	$ cts.
Brought forward........	472 00	1,255,878 93
PENSIONS.—*Continued.*		
John Bright, Messenger, House of Assembly..................	80 00	
Mrs. Antrobus..................................	800 00	
P. Bouchard, for wounds received..........................	100 00	
NEW MILITIA PENSIONS.		
Mrs. Caroline McEachern, and 4 children..........	292 00	
Jane Lakey..................................	146 00	
Rhoda Smith..................................	110 00	
Janet Alderson..................................	110 00	
Margaret McKenzie..................................	80 00	
Mary Ann Richey, and 2 children..........................	336 00	
Mary Morrison..................	80 00	
Louise Prud'homme, and 2 children..........................	130 00	
Virginie Charron, and 4 children..........................	150 00	
Paul M. Robins..................................	146 00	
Chs. T. Bell..................................	73 00	
Alex. Oliphant..................................	109 50	
Chas. Lugsden..................................	91 25	
Jno. White..................................	109 50	
Thos. Charters..................................	91 25	
Samuel McCrag..................................	109 50	
Charles T. Robertson..................................	110 00	
Percy G. Routh..................................	400 00	
Richard S. King..................................	400 00	
George A. McKenzie..................................	73 00	
Edward Hilder..................................	146 00	
Fergus Scholfield..................................	73 00	
John Bradley..................................	109 50	
Richard Penticost..................................	91 25	
John Coté..................................	109 50	
George Elliott..................................	73 00	
James Bryan..................................	109 50	
Jacob Stubbs..................................	73 00	
Mary Connor..................................	110 00	
Mary Hodgins, and 3 children..........................	191 00	
John Martin..................................	110 00	
A. E. Marchand..................................	110 00	
A. W. Stevenson..................................	110 00	
J. Thorburn..................................	150 00	
P. T. Worthington..................................	378 00	
J. H. Elliott..................................	130 00	
George Prentice..................................	400 00	
COMPENSATION TO PENSIONERS.		
In lieu of Land..................................	9,000 00	
Total..................................	....	16,072 75
Carried forward..................	....	1,271,951 68

SCHEDULE

SCHEDULE.—*Continued.*

SERVICE.		Amount.	Total.
		$ cts.	$ cts.
Brought forward			1,271,951 68
MILITIA.			
ORDINARY.			
Salaries of Military Branch and District Staff		45,725 00	
do Brigade Majors		25,000 00	
do Drill Instructors		40,000 00	
Military Schools		80,000 00	
Ammunition		30,000 00	
Clothing		65,000 00	
Military Stores		45,000 00	
Public Armouries and care of arms, including pay of store-keepers and care-takers, store-men, and the rent, fuel and light of Public Armouries		50,000 00	
Drill pay and camp purposes, and all other incidental expenses connected with the Drill and Training of the Militia.		312,000 00	
Contingencies and general service not otherwise provided for, including assistance to Rifle Associations, and Bands of Efficient Corps		50,000 00	
		742,725 00	
RE-VOTES.			
Clothing	$40,000 00		
Drill-pay and Camp purposes	38,000 00		
Targets	5,000 00		
Drill Sheds and Rifle Ranges	25,000 00		
		108,000 00	
EXTRAORDINARY.			
Barrack accommodation	$25,000 00		
Military Survey	2,607 00		
To meet the expense of any damage to Arms	5,000 00		
Gunboats	15,000 00		
		47,607 00	
Total			898,332 00
PUBLIC WORKS AND BUILDINGS.			
DOMINION RAILWAYS.			
Intercolonial Railway		2,000,000 00	
Halifax, Pictou and Windsor Railway, N. S.		139,000 00	
European and North American Railway, N. B.		21,585 00	
CANALS.			
For works of Construction, &c.		198,100 00	
Carried forward		2,358,685 00	2,170,283 68

SCHEDULE

SCHEDULE.—*Continued.*

SERVICE.	Amount.	Total.
	$ cts.	$ cts.
Brought forward	2,358,685 00	2,170,283 68
PUBLIC WORKS AND BUILDINGS.—*Continued.*		
PUBLIC WORKS.		
Harbors, Piers, &c. (Re-vote)	50,000 00	
Roads and Bridges.....................	6,000 00	
Slides and Booms	15,000 00	
Surveys and Inspections.....................	15,000 00	
Arbitrations and Awards	10,000 00	
Miscellaneous charges not otherwise provided for.	10,000 00	
PUBLIC BUILDINGS.		
For Public Buildings generally.....................	138,500 00	
For Rents, Repairs and Maintenance of Public Buildings....	82,500 00	
RAILWAY SUBSIDIES, CHARGEABLE TO PROVINCES.		
Windsor and Annapolis Railway, Nova Scotia..............	233,000 00	
Western Extension, E. & N. A. Railway, New Brunswick....	445,000 00	
Eastern do do do	85,000 00	
Fredericton Branch Railway, do	102,500 00	
Woodstock Branch Railway, do	65,200 00	
Total.....................	....	3,616,385 00
OCEAN AND RIVER STEAM AND PACKET SERVICE.		
DOMINION STEAMERS.		
Maintenance of Steamers, Quebec.....................	33,000 00	
Do Steamer "Druid," Halifax.................	22,000 00	
TUG SERVICE, UPPER ST. LAWRENCE.		
Between Montreal and Kingston.....................	12,000 00	
SUBSIDIES.		
Moiety payable to Inman Line, between Halifax and Cork....	39,541 00	
Steam communication between Quebec and Maritime Provinces.	15,000 00	
Steam communication between Prince Edward Island, Pictou and other Nova Scotia Ports.....................	3,000 00	
Steam communication between Windsor, St. John, Digby and Annapolis.....................	4,000 00	
Packet communication between Pictou and Magdalen Islands.	400 00	
Steam communication between New Brunswick and Prince Edward's Island.....................	1,000 00	
Total.....................	....	129,941 00
Carried forward.....................	....	5,916,609 68

SCHEDULE.—*Continued.*

SERVICE.		Amount.	Total.
		$ cts.	$ cts.
Brought forward			5,916,609 68
LIGHT-HOUSES AND COAST SERVICE.			
TRINITY HOUSE, QUEBEC.			
Salaries of Officers and Contingencies	$13,170 00		
Salaries and allowances of Light-house keepers	11,997 00		
Maintenance of Light-Houses	18,433 00		
Miscellaneous	175 00		
		43,775 00	
TRINITY HOUSE, MONTREAL.			
Salaries of Officers and Contingencies	$ 4,650 00		
Do Light-House Keepers	4,000 00		
Maintenance and re-building of Light-houses	10,000 00		
Steamer Richelieu	3,900 00		
		22,550 00	
SALARIES AND MAINTENANCE OF LIGHT-HOUSES, NOT INCLUDED IN ESTIMATES OF TRINITY HOUSES.			
Salaries and allowances	$58,430 00		
Maintenance	61,719 00		
		120,149 00	
Construction of New Light-houses		3,400 00	
Sable Island Humane Establishment	$6,000		
Seal do do	200		
		6,200 00	
Cape Race Light		1,000 00	
Removing wreck of "Preciosa" from the channel of the St. Lawrence		3,000 00	
RE-VOTES FOR CONSTRUCTION OF LIGHT-HOUSES.			
Quebec	$1,600 00		
Nova Scotia	1,000 00		
New Brunswick	11,450 00		
		14,050 00	
Total			214,124 00
FISHERIES.			
Maintenance and repairs of Schooner "La Canadienne"		10,000 00	
Salaries and disbursements of Fishery Overseers and Wardens :			
Ontario	$5,000 00		
Quebec	6,500 00		
New Brunswick	5,000 00		
Nova Scotia	5,000 00		
		21,500 00	
Carried forward		31,500 00	6,130,733 68

SCHEDULE.—*Continued.*

SERVICE.	Amount.	Total.
	$ cts.	$ cts.
Brought forward..................	31,500 00	6,130,733 68
FISHERIES.—*Continued.*		
Fishways and Oyster Beds..............................	5,000 00	
Additional for the protection of the Fisheries.............	3,200 00	
Total.....................................	....	39,700 00
CULLING TIMBER.		
Salaries and Contingent Expenses of the Cullers' Office......	....	65,000 00
RAILWAY AND STEAMBOAT INSPECTION.		
Railways—Salaries and contingencies......................	1,650 00	
Steamboats— do	7,400 00	
Total.....................................	....	9,050 00
REDEMPTION OF SEIGNIORIAL RIGHTS.		
Expenses of Seigniorial Commission........................	....	6,000 00
INDIANS.		
New Indian annuities, Ontario............................	4,400 00	
Annual grant to Indians, Quebec..........................	400 00	
Do Nova Scotia....................	2,300 00	
Do New Brunswick..................	2,200 00	
To purchase blankets for aged and infirm Indians, Ontario and Quebec	1,100 00	
Total.....................................	....	10,400 00
MISCELLANEOUS.		
Advertising and subscription to Canada Gazette............	8,000 00	
Postages of do	1,200 00	
Miscellaneous printing..................................	5,000 00	
Unforeseen expenses: Expenditure thereof to be under Order in Council, and a detailed account thereof to be laid before Parliament, during the first 15 days of the next Session..	75,000 00	
Carried forward..................	89,200 00	6,260,883 68

SCHEDULE—*Continued.*

SERVICE.	Amount.	Total.
	$ cts.	$ cts.
Brought forward	89,200 00	6,260,883 68
MISCELLANEOUS—*Continued.*		
Shipping Master's Office, Quebec	1,200 00	
Expenses connected with ascertaining correct time at Ottawa and firing of noon-gun	400 00	
Total		90,800 00
COLLECTION OF REVENUES.		
CUSTOMS.		
Salaries and contingent expenses of the several Ports, viz: In province of Quebec 167,990 00 Do Ontario 157,580 00 Do Nova Scotia 52,280 00 Do New Brunswick 58,550 00	436,400 00	
Salaries and contingent expenses of Inspectors of Ports	10,000 00	
Commutation in lieu of remission of duties on articles imported for the use of the Army and Navy and Officers' Mess, to be apportioned by Order in Council	50,000 00	
Additional to meet possible requirements of the reorganization of the Service	20,000 00	
Total		516,400 00
EXCISE.		
Salaries of Outside Officers and Inspectors of Excise	103,973 00	
Travelling expenses, rent, fuel, stationery, postage and furniture, &c	27,100 00	
Unforeseen expenses	5,200 00	
Total		136,273 00
POST OFFICE.		
Ontario and Quebec Mail Services: Grand Trunk Railway	167,000 00	
Carried forward	167,000 00	7,004,356 68

SCHEDULE

SCHEDULE.—*Continued.*

SERVICE.	Amount.	Total.
	$ cts.	$ cts.
Brought forward	167,000 00	7,004,356 68
COLLECTION OF REVENUES.—*Continued.*		
POST OFFICE.—*Continued.*		
Great Western Railway	45,000 00	
Other Railways	40,000 00	
Steamboat Service	40,000 00	
Ocean Mail Service	10,000 00	
Military and Naval Postage Refunds	6,000 00	
Salaries of Outside Services	95,000 00	
Ordinary Mail Service	215,000 00	
Miscellaneous	27,000 00	
	645,000 00	
Nova Scotia Mail Services	80,000 00	
New Brunswick do	75,000 00	
Total		800,000 00
PUBLIC WORKS.		
MAINTENANCE, REPAIRS AND COLLECTIONS.		
Ontario and Quebec	393,410 00	
Nova Scotia	372,000 00	
New Brunswick	140,000 00	
Collection of Slide and Boom Dues	11,935 00	
Total		917,345 00
MINOR REVENUES		10,000 00
STAMPS		7,640 00
Carried forward		8,739,341 68

SCHEDULE

SCHEDULE—*Continued.*

SERVICE.	Amount.	Total.
	$ cts.	$ cts.
Brought forward		8,739,341 68
PENITENTIARIES, &c.		
Gratuity to Warden of Kingston Penitentiary, on his resignation, as per Order of Council		5,200 00
MARINE HOSPITAL.		
Contribution in aid of Mariners and sick seamen to St. Catherines Hospital		500 00
PUBLIC WORKS.		
Intercolonial Railroad	2,500,000 00	
For opening communication with the North-west Territories, establishing Government and providing for settlement thereof	1,460,000 00	
		3,960,000 00
LIGHT HOUSE AND COAST SERVICE.		
Towards the re-construction of a Light-house at Rondeau	2,000 00	
Towards the construction of a Light-house at Byng Inlet, Georgian Bay	700 00	
Construction of Fog Whistle, Seal Islands	3,200 00	
		5,900 00
FISHERIES.		
For the promotion of artificial Fish Breeding		2,000 00
EMIGRATION.		
Further Estimates for expenses		8,000 00
COLLECTION OF CUSTOMS.		
To provide for amount omitted for the out-door service at the Port of Halifax		20,000 00
MISCELLANEOUS.		
For purchase of Rupert's Land	1,460,000 00	
Special grant to Widow Perry whose husband lost his life in the performance of public duty	500 00	
To meet claims of Representatives of Dr. Hogan, killed on railway in Nova Scotia	2,775 00	
To enable Government to make good certain claims of the Town of St. Catherines, connected with advances during Fenian Raid in 1866, still in litigation	800 00	
		1,464,075 00
Total		14,205,016 68

SCHEDULE

SCHEDULE—*Continued.*

SUMS granted to Her Majesty by this Act, for the Financial Year ending 30th June, 1869, and the purposes for which they are granted.

SERVICE.	Amount.	Total.
	$ cts.	$ cts.
ADMINISTRATION OF JUSTICE.		
Miscellaneous Justice	....	3,000 00
PENITENTIARIES AND PRISON INSPECTION.		
Penitentiary, Kingston, maintenance, additional	20,000 00	
Rockwood Asylum, additional for capital and construction	6,700 00	
Penitentiary, New Brunswick, including arrears before July 1, 1867, and maintenance of local prisoners	20,000 00	
		46,700 00
ARTS, AGRICULTURE AND STATISTICS.		
Statistical Office, Nova Scotia, additional	....	3,590 00
EMIGRATION AND QUARANTINE.		
Additional Agencies, per Order in Council of Jan. 28	....	2,700 00
PUBLIC WORKS.		
Fort Garry Road, per Order in Council of 21st September, 1868, and 9th April, 1869	15,739 79	
Additional Expenditure, on do	1,486 67	
T. Begly, per Order in Council of 12th November, 1868	14,000 00	
Intercolonial Railway	98,000 00	
		129,226 46
OCEAN AND RIVER STEAM SERVICE.		
Repairs of steamer Druid	....	3,372 00
LIGHT HOUSES AND COAST SERVCE.		
Buoys and Beacons, New Brunswick	....	1,000 00
MISCELLANEOUS.		
Towards cost of Confederation Medal	....	2,000 00
CIVIL GOVERNMENT.		
To provide for the salaries of certain Deputy Heads, and the Secretary of the Treasury Board, part of whose salaries has hitherto been charged to separate services, and in lieu of such separate payments	....	3,700 00
COLLECTION OF REVENUE FROM PUBLIC WORKS.		
Maintenance Nova Scotia Railway, additional	30,000 00	
Do New Brunswick	10,000 00	
POST OFFICE.		
Additional	15,000 00	
		55,000 00
Balances of appropriations carried on, see Public Accounts, part II, page 67, to be re-voted.		
Pictou and Truro Railway construction	65,000 00	
Barrack fitments, balance	8,000 00	
Militia service, Nova Scotia, to October	32,145 01	
Do New Brunswick	25,470 65	
		130,615 66
Total	....	380,904 12

CAP. II.

[*Assented to 22nd June*, 1869.]

An Act respecting Nova Scotia.

Preamble.

WHEREAS it appears by Message from His Excellency the Governor General, and the Report of a Committee of the Queen's Privy Council for Canada, approved by His Excellency on the twenty-fifth day of January now last, and other documents accompanying the said Message, that it is just and expedient to add to the sums payable to the Province of Nova Scotia, under the British North America Act, 1867; Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

On what amount of debt Nova Scotia shall receive or be chargeable with interest.

1. Nova Scotia shall be liable to Canada for the amount (if any) by which its public debt at the Union exceeded nine million one hundred and eighty-six thousand seven hundred and fifty-six dollars, and shall be chargeable with interest on such excess only, and shall be entitled to interest on any amount by which its public debt then fall short of that sum, as if the said sum were mentioned in Sections one hundred and fourteen and one hundred and sixteen, of the British North America Act, 1867, instead of that of eight million dollars.

Additional annual allowance to Nova Scotia for ten years.

2. Nova Scotia shall receive from Canada, for the period of ten years from the first day of July, 1867, an allowance of eighty-two thousand six hundred and ninety-eight dollars per annum, in addition to all other sums payable to the said Province under the British North America Act, 1867; and such allowance shall hereafter be paid by half yearly payments in advance from the first day of July, one thousand eight hundred and sixty-nine, the arrears thereof up to the day last mentioned being capitalized either in whole or in part as the Governor in Council may determine and the interest on the part capitalized being payable until the end of the said ten years, when the principal shall be paid.

How payable.

As to the cost of the Province Building

3. Nova Scotia shall, from the date of the completion of the new Province Building, be debited in account with Canada, with interest at the rate of five per cent. per annum, on the cost of that Building, until it shall have been placed at the disposal of the Dominion.

Currency; and how chargeable.

4. All sums mentioned in this Act shall be currency of the former Province of Canada, and shall be a charge upon and payable out of the Consolidated Revenue Fund of Canada.

Grants to be in full settlement of all claims.

5. The grants and provisions made by this Act, and the British North America Act, 1867, shall be in full settlement of all demands on Canada by Nova Scotia.

CAP.

CAP. III.

An Act for the temporary Government of Rupert's Land and the North-Western Territory when united with Canada.

[*Assented to 22nd June,* 1869.]

WHEREAS it is probable that Her Majesty the Queen may, pursuant to "The British North America Act, 1867," be pleased to admit Rupert's Land and the North-Western Territory into the Union or Dominion of Canada, before the next Session of the Canadian Parliament: And whereas it is expedient to prepare for the transfer of the said Territories from the Local Authorities to the Government of Canada, at the time appointed by the Queen for such admission, and to make some temporary provision for the Civil Government of such Territories until more permanent arrangements can be made by the Government and Legislature of Canada; Therefore, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows: **Preamble.**

1. The said Territories when admitted as aforesaid, shall be styled and known as "The North-West Territories." **Name of territories.**

2. It shall be lawful for the Governor, by any Order or Orders, to be by him from time to time made, with the advice of the Privy Council, (and subject to such conditions and restrictions as to him shall seem meet) to authorize and empower such Officer as he may from time to time appoint as Lieutenant-Governor of the North-West Territories, to make provision for the administration of Justice therein, and generally to make, ordain, and establish all such Laws, Institutions and Ordinances as may be necessary for the Peace, Order and good Government of Her Majesty's subjects and others therein; provided that all such Orders in Council, and all Laws and Ordinances, so to be made as aforesaid, shall be laid before both Houses of Parliament as soon as conveniently may be after the making and enactment thereof respectively. **Appointment and functions of Lieutenant Governor.** **Power to him to make laws.** **Proviso.**

3. The Lieutenant-Governor shall administer the Government under instructions from time to time given him by Order in Council. **Instructions to Lieutenant Governor.**

4. The Governor may, with the advice of the Privy Council, constitute and appoint, by Warrant under his Sign Manual, a Council of not exceeding fifteen nor less than seven persons, to aid the Lieutenant-Governor in the administration of affairs, with such powers as may be from time to time conferred upon them by Order in Council. **Appointment of Council to Lieutenant Governor.**

5. All the Laws in force in Rupert's Land and the North-Western Territory, at the time of their admission into the Union, shall **Existing laws to remain in force.**

shall so far as they are consistent with "The British North America Act, 1867,"—with the terms and conditions of such admission approved of by the Queen under the 146th section thereof,—and with this Act,—remain in force until altered by the Parliament of Canada, or by the Lieutenant Governor under the authority of this Act.

Public officers, &c., to retain office.

6. All Public Officers and Functionaries holding office in Rupert's Land and the North-Western Territory, at the time of their admisssion into the Union, excepting the Public Officer or Functionary at the head of the administration of affairs, shall continue to be Public Officers and Functionaries of the North-West Territories with the same duties and powers as before, until otherwise ordered by the Lieutenant Governor, under the authority of this Act.

Duration of this Act.

7. This Act shall continue in force until the end of the next Session of Parliament.

CAP. IV.

An Act respecting the Department of Finance.

[*Assented to 22nd June*, 1869.]

Preamble.

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

Department constituted.

1. There shall be a Department of the Civil Service of Canada, to be called "The Department of Finance," over which the Minister of Finance for the time being, appointed by the Governor by Commission under the Great Seal of the Dominion, shall preside; and the said Minister shall hold office during pleasure, and shall have the management and direction of the Department.

Its duties.

2. The Department of Finance shall have the supervision, control, and direction of all matters relating to the Financial Affairs and Public Accounts, Revenue and Expenditure of the Dominion, which are not, or in so far as they are not, by law, or by order of the Governor in Council, assigned to any other Department of the Civil Service, and such other duties as may from time to time be assigned to it by the Governor in Council.

Audit Branch.

3. The Auditor General and the Deputy Inspector General shall be officers of the Finance Department, and the Board of Audit shall (as by law provided) perform its duties under the supervision and direction of the Minister of Finance, and all officers and clerks of and in the Department of Finance shall respectively have and perform such duties as are or may be hereafter assigned to them by law, or by order of the Governor in Council, or by the Minister of Finance: and such arrangements, distribution or union of the various duties, functions and business devolving

Further distribution of business may be made.

devolving on the several branches of the said department, or such amalgamation thereof or of any of them, may be made, as the Minister of Finance with the approval of the Governor in Council may from time to time direct.

4. There shall be a Board to be called the "The Treasury Board," which shall consist of the Minister of Finance, the Receiver General, the Minister of Customs and the Minister of Inland Revenue, and shall act as a Committee of the Queen's Privy Council for Canada, on all matters relating to Finance, Revenue and Expenditure, or Public Accounts, which may be referred to it by the Council, or to which the Board may think it necessary to call the attention of the Council, and shall have power to require from any public department, board or officer, or other person or party bound by law to furnish the same to the Government, any account, return, statement, document, or information which the Board may deem requisite for the due performance of its duties: and there shall be a Secretary to the Board to be appointed from time to time by the Governor during pleasure, and through whom the Board shall communicate with any Public Department, or officer, or other person or party; and such Secretary may or may not, as to the Governor may seem fit, hold any other office in the Civil Service. Treasury Board, its constitution and duties. Secretary.

5. So much of any Act or law as may be inconsistent with this Act, or makes any provision in any matter provided for by this Act other than such as is hereby made, is repealed. Repeal of inconsistent enactments.

CAP. V.

An Act respecting the Ocean Mail Service.

[*Assented to 22nd June*, 1869.]

WHEREAS under the authority of an Order in Council dated the eighteenth day of March, one thousand eight hundred and sixty-nine, a provisional contract has been entered by and between Hugh Allan, Esquire, of the first part, and the Postmaster General of this Dominion, of the second part, for a weekly line of Ocean Mail Steamers, on certain terms and subject to certain conditions therein set forth: and whereas the said agreement is subject to a proviso that the same is to go into effect, if sanctioned and authorized by the Parliament of Canada, at the then next session thereof and not otherwise; and whereas it is expedient to sanction and confirm the said agreement; therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows: Preamble. Recital of contract.

1. The said contract and all the matters and things therein contained are hereby sanctioned and confirmed, and declared to be effectual to all intents and purposes. Contract confirmed.

CAP.

CAP VI.

An Act for the gradual enfranchisement of Indians, the better management of Indian affairs, and to extend the provisions of the Act 31st Victoria, Chapter 42.

[*Assented to 22nd June*, 1869.]

Preamble.

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

What shall be deemed lawful possession of lands by Indians.

1. In Townships or other tracts of land set apart or reserved for Indians in Canada, and subdivided by survey into lots, no Indian or person claiming to be of Indian blood, or intermarried with an Indian family, shall be deemed to be lawfully in possession of any land in such Townships or tracts, unless he or she has been or shall be located for the same by the order of the Superintendent General of Indian affairs; and any such person or persons, assuming possession of any lands of that description, shall be dealt with as illegally in possession, and be liable to be summarily ejected therefrom, unless that within six months from the passing of this Act, a location title be granted to such person or persons by the said Superintendent General of Indian affairs or such officer or person as he may thereunto depute and authorize; but the conferring of any such location title shall not have the effect of rendering the land covered thereby transferable or subject to seizure under legal process.

Proceedings to eject parties not lawfully in possession.

2. Any person liable to be summarily ejected, under the next preceding section, may be removed from the land of which he may have assumed possession, in the manner provided by the eighteenth section of the Act passed in the thirty-first year of Her Majesty's reign, chapter forty-two, with respect to persons other than Indians or those intermarried with Indians settling on the lands therein referred to without license of the Secretary of State; and the said section and the nineteenth, twentieth and twenty-first sections of the said Act, are hereby extended to and shall apply to persons liable to be summarily ejected under this Act, as fully in all respects as to persons liable to be removed from lands under the said Act.

Penalty on persons selling intoxicating liquors to Indians.

3. Any person who shall sell, barter, exchange or give to any Indian man, woman, or child, any kind of spirituous or other intoxicating liquors, or cause or procure the same to be done, or open and keep or cause to be opened and kept, on any land set apart or reserved for Indians a tavern, house or building where spirituous or intoxicating liquors are sold or disposed of, shall, upon conviction in the manner provided by section twelve of the said Act thirty-first Victoria, chapter forty-two, be subject to the fine therein mentioned; and in default of payment such fine, or of any fine imposed by the above mentioned twelfth section of the said Act, any person so offending may be committed to prison

Imprisonment in default of payment.

prison by the Justice of the Peace before whom the conviction shall take place, for a period not more than three months, or until such fine be paid; and the commander of any steamer or other vessel, or boat, from on board or on board of which, any spirituous or other intoxicating liquor shall have been, or may be sold or disposed of to any Indian man, woman, or child, shall be liable to a similar penalty.

4. In the division among the members of any tribe, band, or body of Indians, of any annuity money, interest money or rents, no person of less than one-fourth Indian blood, born after the passing of this Act, shall be deemed entitled to share in any annuity, interest or rents, after a certificate to that effect is given by the Chief or Chiefs of the band or tribe in Council, and sanctioned by the Superintendent General of Indian affairs. Division of annuity money, &c.

5. Any Indian or person of Indian blood who shall be convicted of any crime punishable by imprisonment in any Penitentiary or other place of confinement, shall, during such imprisonment, be excluded from participating in the annuities, interest money, or rents payable to the Indian tribe, band, or body, of which he or she is a member; and whenever any Indian shall be convicted of any crime punishable by imprisonment in a Penitentiary, or other place of confinement, the legal costs incurred in procuring such conviction, and in carrying out the various sentences recorded, may be defrayed by the Superintendent General of Indian Affairs, and paid out of any annuity or interests coming to such Indian, or to the band or tribe, as the case may be. Indians convicted of crime excluded. How costs may be paid.

6. The fifteenth section of the thirty-first Victoria, Chapter forty-two, is amended by adding to it the following proviso: Proviso added to 31 V., c. 4, s. 15.

"Provided always that any Indian woman marrying any other than an Indian, shall cease to be an Indian within the meaning of this Act, nor shall the children issue of such marriage be considered as Indians within the meaning of this Act; Provided also, that any Indian woman marrying an Indian of any other tribe, band or body shall cease to be a member of the tribe, band or body to which she formerly belonged, and become a member of the tribe, band or body of which her husband is a member, and the children, issue of this marriage, shall belong to their father's tribe only." Indian women marrying other than Indians, not to be Indians within this Act.

7. The Superintendent General of Indian affairs shall have power to stop the payment of the annuity and interest money of any person of Indian blood who may be proved to the satisfaction of the Superintendent General of Indian affairs to have been guilty of deserting his wife or child, and the said Superintendent may apply the same towards the support of any woman or child so deserted. Power of Superintendent General in cases of desertion.

8.

Aid to sick or destitute persons.

8. The Superintendent General of Indian Affairs in cases where sick or disabled, or aged and destitute persons are not provided for by the tribe, band or body of Indians of which they are members, may furnish sufficient aid from the funds of each tribe, band or body, for the relief of such sick, disabled, aged or destitute persons.

Property of Indians to descend to their children, for their lives only.

9. Upon the death of any Indian holding under location title any lot or parcel of land, the right and interest therein of such deceased Indian shall, together with his goods and chattels, devolve upon his children, on condition of their providing for the maintenance of their mother, if living; and such children shall have a life estate only in such land which shall not be transferable or subject to seizure under legal process, but should such Indian die without issue, such lot or parcel of land and goods and chattels shall be vested in the Crown for the benefit of the tribe, band or body of Indians, after providing for the support of the widow (if any) of such deceased Indian.

Election of chiefs.

10. The Governor may order that the Chiefs of any tribe, band or body of Indians shall be elected by the male members of each Indian Settlement of the full age of twenty-one years at such time and place, and in such manner, as the Superintendent General of Indian Affairs may direct, and they shall in such case be elected for a period of three years, unless deposed by the Governor for dishonesty, intemperance, or immorality, and they shall be in the proportion of one Chief and two Second Chiefs for every two hundred people; but any such band composed of thirty people may have one Chief; Provided always that all life Chiefs now living shall continue as such until death or resignation, or until their removal by the Governor for dishonesty, intemperance or immorality.

Proviso as to life chiefs.

Duties of chiefs with respect to roads, &c.

11. The Chief or Chiefs of any tribe, band or body of Indians shall be bound to cause the roads, bridges, ditches and fences within their Reserve to be put and maintained in proper order, in accordance with the instructions received from time to time from the Superintendent General of Indian Affairs; and whenever in the opinion of the Superintendent General of Indian Affairs the same are not so put or maintained in order, he may cause the work to be performed at the cost of the said tribe, band or body of Indians, or of the particular Indian in default, as the case may be either out of their annual allowances, or otherwise.

Chiefs to frame rules for certain purposes.

12. The Chief or Chiefs of any Tribe in Council may frame subject to confirmation by the Governor in Council, rules and regulations for the following subjects, viz:

1. The care of the public health.

2. The observance of order and decorum at assemblies of the people in General Council, or on other occasions.

3. The repression of intemperance and profligacy.

4. The prevention of trespass by cattle.

5. The maintenance of roads, bridges, ditches and fences.

6. The construction of and maintaining in repair of school houses, council houses and other Indian public buildings.

7. The establishment of pounds and the appointment of pound-keepers.

13. The Governor General in Council may on the report of the Superintendent General of Indian Affairs order the issue of Letters Patent granting to any Indian who from the degree of civilization to which he has attained, and the character for integrity and sobriety which he bears, appears to be a safe and suitable person for becoming a proprietor of land, a life estate in the land which has been or may be allotted to him within the Reserve belonging to the tribe band or body of which he is a member; and in such case such Indian shall have power to dispose of the same by will, to any of his children, and if he dies intestate as to any such lands, the same shall descend to his children according to the laws of that portion of the Dominion of Canada in which such lands are situate, and the said children to whom such land is so devised or descends shall have the fee simple thereof. Life estates in lands may be granted in certain cases.

14. If any enfranchised Indian owning land by virtue of the thirteenth and sixteenth sections of this Act, dies without leaving any children, such land shall escheat to the Crown for the benefit of the tribe, band, or body of Indians to which he, or his father, or mother (as the case may be) belonged; but if he leaves a widow, she shall, instead of Dower to which she shall not be entitled, have the said land for life or until her re-marriage, and upon her death or re-marriage it shall escheat to the Crown for the benefit of the tribe, band or body of Indians to which he, or his father, or mother (as the case may be) belonged. Descent of lands in case of death of an enfranchised Indian.

15. The wife or unmarried daughters of any deceased Indian who may, in consequence of the operation of the thirteenth and sixteenth sections of this Act be deprived of all benefit from their husband's or father's land, shall in the periodical division of the annuity and interest money or other revenues of their husband's or father's tribe or band, and so long as she or they continue to reside upon the reserve belonging to the tribe or band, and remain in widowhood or unmarried, be entitled to and receive two shares instead of one share of such annuity and interest money. Provision for widows and unmarried daughters.

16. Every such Indian shall, before the issue of the letters patent mentioned in the thirteenth section of this Act, declare to the Superintendent General of Indian Affairs, the name and surname Duties of Indians with respect to enfranchisement.

surname by which he wishes to be enfranchised and thereafter known, and on his receiving such letters patent, in such name and surname, he shall be held to be also enfranchised, and he shall thereafter be known by such name and surname, and his wife and minor unmarried children, shall be held to be enfranchised; and from the date of such letters patent, the provisions of any Act or law making any distinction between the legal rights and liabilities of Indians and those of Her Majesty's other subjects shall cease to apply to any Indian, his wife or minor children as aforesaid, so declared to be enfranchised, who shall no longer be deemed Indians within the meaning of the laws relating to Indians, except in so far as their right to participate in the annuities and interest money and rents, of the tribe, band, or body of Indians to which they belonged is concerned; except that the twelfth, thirteenth, and fourteenth sections of the Act thirty-first Victoria, chapter forty-two, and the eleventh section of this Act, shall apply to such Indian, his wife and children.

Effect of enfranchisement.

Allotment of locations.

17. In the allotting of locations, and in the issue of Letters Patent to Indians for land, the quantity of land located or to be located or passed into Patent, shall, except in special cases to be reported upon to the Governor in Council, bear (as nearly as may be) the same proportion to the total quantity of land in the Reserve, as the number of persons to whom such lands are located or patented bears to the total number of heads of families of the tribe, band or body of Indians and male members thereof not being heads of families, but being above the age of fourteen years, in such reserve.

Appointment of tutor to minor children of enfranchised Indians.

18. If any Indian enfranchised under this Act dies leaving any child under the age of twenty-one years, the Superintendent General of Indian Affairs shall appoint some person to be the tutor or guardian as the case may be of such child as to property and rights until it attains the age of twenty-one years; and the widow of such Indian, being also the mother of any such child, shall receive its share of the proceeds of the estate of such Indian during the minority of the child, and shall be entitled to reside on the land left by such Indian, so long as in the opinion of the Superintendent General she lives respectably.

Indians falsely declaring themselves enfranchised.

19. Any Indian falsely representing himself as enfranchised under this Act when he is not so, shall be liable, on conviction before any one Justice of the Peace, to imprisonment for any period not exceeding three months.

Lands of enfranchised Indians exempt from seizure.

20. Such lands in any Indian Reserve as may be conveyed to any enfranchised Indian by Letters Patent, shall not, as long as the life estate of such Indian continues, be subject to seizure under legal process, or be mortgaged, hypothecated, sold, exchanged, transferred, leased, or otherwise disposed of.

21.

21. Indians not enfranchised shall have the right to sue for debt due to them, or for any wrong inflicted upon them, or to compel the performance of obligations made with them. Legal remedies of Indians

22. The Under Secretary of State shall be charged, under the Secretary of State of Canada, with the performance of the Departmental duties of the Secretary of State under the said Act, and with the control and management of the officers, clerks, and servants of the Department, and with such other powers and duties as may be assigned to him by the Governor in Council. Duty of Under Secretary of State.

23. Chapter nine of the Consolidated Statutes of Canada is hereby repealed. Con. Stat. Can., cap. 9 repealed.

24. This Act shall be construed as one Act with the Act thirty-first Victoria, chapter forty-two. 31 Vic. c. 32.

CAP. VII.

An Act respecting the Office of Queen's Printer and the Public Printing.

[*Assented to 22nd June*, 1869.]

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows: Preamble.

1. The Governor may, by Commission under the Great Seal of Canada, appoint a Queen's Printer for the Dominion of Canada, who shall hold his office during pleasure, and shall receive for his services a salary not exceeding two thousand dollars per annum, and so *pro rata* for any longer or shorter period, in lieu of all other fees or emoluments whatever. Queen's Printer to be appointed. Salary.

2. It shall be the duty of the Queen's Printer to print and publish or cause to be printed and published, for the Government, under his Superintendence, the Official Gazette of the Dominion, to be known as the "Canada Gazette," the Statutes of Canada, and all such official and departmental and other reports, forms, documents, and other papers, as he may be required to print and publish, or cause to be printed and published by, or under the authority of the Governor in Council, and he shall perform all such other duties as shall be from time to time assigned to him by Order in Council: and whatever is printed under his superintendence, by authority of this Act, shall be held to be printed by him. His duties, &c.

3. All Proclamations issued by the Governor or under the authority of the Governor in Council, and all official notices, advertisements and documents relating to the Dominion of Canada, or matters under the control of the Parliament thereof, and requiring publication, shall be published in the Canada Gazette, unless some other mode of publication thereof be required by law. Certain documents to be printed in the Canada Gazette.

4.

Copies in the Gazette to be evidence.

4. All copies of Proclamations and official and other notices, adverisements and documents, printed in the Canada Gazette shall be *primâ facie* evidence of the originals, and of the contents thereof.

Powers of Governor in Council as to the Gazette.

5. The Governor in Council may from time to time prescribe the form, mode and conditions of publication of the Canada Gazette, and designate the public bodies, officers and persons to whom it shall be sent without charge, and regulate the price of subscription thereto, and the charges to be paid for the publication of notices, advertisements and documents, for parties other than the Government, and all sums payable for such last mentioned charges shall be paid in advance to the Queen's Printer, and by him accounted for, and paid over to the Receiver General, in such manner as the Governor in Council shall direct, and shall make part of the Consolidated Revenue Fund of Canada.

Profits of Gazette.

Printing, &c., to be done by contract.

6. The printing, binding, and other like work to be done under the superintendence of the Queen's Printer, shall, except as hereinafter mentioned, be done and furnished under contracts to be entered into under the authority of the Governor in Council, in such form and for such time as he shall appoint, after such public notice or advertisement for tenders as he may deem advisable, and the lowest tenders received from parties of whose skill, resources, and of the sufficiency of whose sureties for the due performance of the contract the Governor in Council shall be satisfied, shall be accepted.

Exception in certain cases.

7. The Governor may, from time to time, by orders in Council authorize for reasons to be stated in such orders, cause printing and binding for the public service to be done without tender; and such orders in Council and the expenditure under them shall be laid before Parliament at its then next Session.

Expenses under this Act.

8. The expenses to be incurred under the provisions of this Act, shall be paid out of such moneys as may be appropriated for the purpose by Parliament, and accounted for in like manner as other moneys expended for the public service.

Commencement of Act.

9. This Act shall come into force on and from the first day of October, 1869.

CAP. VIII.

An Act to amend the Act thirty-first Victoria, Chapter thirty-three, and to make further provision with respect to the salaries, and travelling allowances of the Judges.

[*Assented to 22nd June,* 1869.]

P eamble.

WHEREAS it is expedient that the allowances for travelling expenses to the Judges of the Superior Courts in the Dominion, should be fixed by Statute instead of being fixed by Order

Order in Council, as provided in the Act of the now last Session, thirty-first Victoria, chapter thirty-three: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

Circuit allowances.

1. The following shall be the scale of Circuit allowances to the Judges hereinafter mentioned:

Ontario.

In the Province of Ontario,—

To each of the Judges of any of the Superior Courts of Law or Equity, one hundred dollars for each time he holds any Court for the trial of causes, in any County except the County of York and the City of Toronto.

Quebec.

In the Province of Quebec,—

To each of the Judges of the Court of Queen's Bench, for each Term (Appeal side and Criminal side), attended by him elsewhere than at his place of residence, one hundred dollars.

To each of the Judges of the said Court of Queen's Bench, for attending any other Court, for each day he is absent from his place of residence, six dollars.

To each of the Judges of the Superior Court, attending any other Court, for each day he is absent from his place of residence, six dollars; except that any Judge of the Superior Court required to attend the Court of Queen's Bench, Appeal Side, during the whole of a term, shall receive the same allowance as a Judge of the Court of Queen's Bench performing the like duty; but this provision shall not apply to the attendance of a Judge of the Superior Court at the Court of Queen's Bench, Appeal Side, for a part only of a term, or for the purpose of disposing of cases already heard.

And in the two last mentioned cases three days' absence at least shall always be allowed for.

Nova Scotia.

In the Province of Nova Scotia,—

To each of the Judges of the Supreme Court of that Province, and to the Judge in Equity, one hundred dollars for each time he holds any Court for the trial of causes (not being an adjourned Court,) in any County except the County of Halifax.

New Brunswick.

In the Province of New Brunswick:—

To each of the Judges of the Supreme Court of that Province, one hundred dollars, for each time he holds any Court for the trial

trial of causes (not being an adjourned Court), in any County except the County of York.

How to be applied for.

The application for payment of such allowance shall be accompanied by a certificate of the Judge applying for it, of the number of days for which he is entitled to claim it.

From what time to take effect.

2. The foregoing scale of allowances shall take effect from the twenty-second day of May, one thousand eight hundred and sixty-eight, the day of the passing of the said Act, thirty-first Victoria, chapter thirty-three.

Allowance to retired judge presiding in Court of Error and Appeal, Ontario.

3. Any retired Judge of any of the Superior Courts of the Province of Ontario, appointed or to be hereafter appointed Presiding Judge of the Court of Error and Appeal for that Province, and entitled, under the said Act thirty-first Victoria, chapter thirty-three, to a retiring allowance of two-thirds of the salary annexed to the office he held at the time of his resignation, shall, while he continues to hold the office of Presiding Judge, be entitled to receive a further allowance equal to one-third of his said salary.

Exemption from taxation by Parliament.

4. The salaries and retiring allowances or annuities of the Judges are hereby declared to be free and clear of all taxes and deductions whatsoever imposed under any Act of the Parliament of Canada.

Salaries of County Judges in Ontario and New Brunswick fixed.

5. And whereas it is expedient to fix definitely the salaries of the County Judges in the Provinces of Ontario and New Brunswick instead of leaving the same to be assigned within certain limits by the Governor in Council, as provided by the said Act, thirty-first Victoria, chapter thirty-three: therefore, except in the County of York in the Province of Ontario, and the County of St. John in the Province of New Brunswick, the salary of each County Judge to be hereafter appointed, shall be two thousand dollars per annum, with two hundred dollars for travelling expenses; and the salary of any County Judge now holding that office and receiving a lower salary, shall be raised to the said sum, with the same allowances; and in each of the said Counties of York in Ontario, and St. John in New Brunswick, the salary of the County Judge hereafter to be appointed, shall be two thousand four hundred dollars, with two hundred dollars for travelling expenses; and the salary of the present Judge of the County Court of the County of St. John, shall be the sum last aforesaid, the salary of the present Judge of the County Court of the said County of York remaining as it now is.

Salary of additional Judge in Province of Quebec.

6. And whereas it is expedient in view of the Act of the Legislature of Quebec, declaring the expediency of the appointment of an additional Judge of the Superior Court for Lower Canada, to reside in the District of Montreal, to provide for the payment

payment of the salary of such Judge, therefore, the salary of such Judge shall be at the rate of four thousand dollars per annum.

7. An allowance at the rate of six hundred dollars per annum shall be paid to the Judge of the Court of Vice-Admiralty for the Province of Nova Scotia, and a like allowance to the Judge of the like Court for the Province of New Brunswick. **Allowance to Judge of Vice-Admiralty in N.S. and N.B.**

8. All the sums mentioned in the foregoing sections are hereby granted to Her Majesty for the purposes therein mentioned, and shall be payable out of any moneys forming part of the Consolidated Revenue Fund of Canada. **Sums granted to be paid out of Con. Rev. Fund.**

9. So much of the said Act, thirty-first Victoria, chapter thirty-three, as may be inconsistent with the foregoing provisions is hereby repealed. **Inconsistent enactments repealed.**

CAP. IX.

An Act respecting certain Fee Funds in the Province of Ontario.

[*Assented to 22nd June*, 1869.]

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows: **Preamble.**

1. The fees, dues and profits received by or on account of the Clerks of the Crown and their Deputies, and the Process Clerk, in the Province of Ontario, and which under Chapter ten of the Consolidated Statutes for Upper Canada, Sections twenty-nine, forty and forty-one, were made part of the Consolidated Revenue Fund of the late Province of Canada, shall be, and shall be held to have been from and after the first day of July, one thousand eight hundred and sixty-seven, transferred to the Province of Ontario, and all sums received after the said day, for the stamps by which, under the Act of the said late Province, twenty-seven, twenty-eight Victoria, Chapter five, the said fees, dues and profits are payable shall (after deducting expenses) be paid over to the said Province. **Certain fees, &c., payable by stamps under 27, 28 Vic., c. 5, in Ontario, transferred to that Province.**

2. The fees payable into the General Fee Fund of the Province of Ontario, under the Consolidated Statutes for Upper Canada, Chapter fifteen, Sections thirty and fifty-nine,—Chapter sixteen, Section sixty-seven,—and Chapter nineteen, Section fifty-three, and which are collected and accounted for under the provisions of Chapter twenty of the said Consolidated Statutes, and paid by stamps under the said Act, twenty-seven, twenty-eight Victoria, Chapter five, shall be and shall be held to have been since the first day of July, one thousand eight hundred and sixty-seven, transferred to the Province of Ontario and all sums received after the said day, for the stamps by which under the said last mentioned Act, the said fees, dues and profits are payable, shall (after deducting expenses), be paid over to the said Province. **Fees payable into General Fee Fund of Ontario, and paid by stamps under 27, 28 V., c. 5, transferred to that Province.**

CAP.

CAP. X.

An Act respecting Immigration and Immigrants.

[*Assented to 22nd June*, 1869.]

Preamble. Recital of arrangements between the Dominion and the Provinces.

WHEREAS the concurrent jurisdiction given to Canada and to the Provinces by the 95th section of the British North America Act, 1867, is, according to arrangements arrived at by the different governments concerned, to be exercised as follows, namely,—the Canada Government to maintain an Immigration Office at London, in England, and to have other Offices in the United Kingdom as it may think proper, from time to time; and to maintain one Immigration agency on the Continent of Europe, and have other similar agencies, as it may think proper, from time to time; and to maintain Quarantine stations at Halifax, St. John (New Brunswick) and *Grosse Ile*; and to maintain Immigration offices at Quebec, Montreal, Kingston, Toronto, Hamilton, Ottawa, Halifax, St. John (New Brunswick) and wherever else it may deem necessary;—the Provincial Governments to determine their policy concerning the settlement and colonization of uncultivated lands, as bearing on Immigration; and to appoint agents in Europe and elsewhere as they may think proper, who shall be duly accredited by the Canada Government, and also agents in their own Provinces; and to furnish respectively all information and documents connected with Immigration and the colonization of their unsettled lands, and transmit the same to the Department of Agriculture or to the agents of Canada in Europe; conferences of delegates of the Canadian and Provincial Governments to be convened, from time to time, at the office of the Minister of Agriculture, by the Governor in Council, at the request of one or more of the Provincial Governments or without such request; and Canadian Immigration agents to use as directed, any sum or sums of money handed to them by any Local Government, for the purpose of procuring either food, clothing, transport or other help to Immigrants intending to settle within the territory of the Province having furnished such sum or sums: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

Where immigration offices shall be maintained.

1. Immigration offices shall be maintained at London, in England, and elsewhere in the United Kingdom, as to the Governor in Council may seem proper from time to time, and also at Quebec, Montreal, Kingston, Toronto, Hamilton, Ottawa, Halifax, Saint John (New Brunswick), and elsewhere in Canada, as to the Governor in Council, may seem proper from time to time; and an Immigration Agency or as many Immigration Agencies as to the Governor in Council may seem proper from time to time, shall be maintained on the Continent of Europe; and Quarantine stations shall be maintained at Halifax, St. John (New Brunswick) and *Grosse Ile*; and Canadian Immigration Agents, shall use as directed, any sum or sums of money granted to them by any Local Government for the purpose of procuring either food, clothing,

Quarantine stations.

clothing, transport or other help to Immigrants intending to settle within the territory of the Province having furnished such sum or sums. Quarantine stations.

IMMIGRANTS—DUTY PAYABLE ON THEM.

2. There shall be raised, levied and collected, a duty payable in the manner hereinafter prescribed by the master of every Vessel arriving in any Port in Canada from any Port in the United Kingdom or in any other part of Europe, with Passengers or Immigrants therefrom, and such duty shall be one dollar for every Passenger or Immigrant above the age of one year, who embarked from any Port in the United Kingdom under the sanction of Her Majesty's Government, ascertained by a certificate from one of the Officers of Her Majesty's Customs at the Port at which such Vessel cleared, or from any other Port in Europe with the sanction of the Government of the Country to which such Port belongs, ascertained by certificate of the proper authority at such Port,—and one dollar and fifty cents for every Passenger or Immigrant who embarked without such sanction: Capitation duty payable by Masters of vessels bringing passengers.

2. The said duty shall be paid by the master of such Vessel, or by some person on his behalf, to the Collector of Customs at the Port in Canada at which such Vessel is first entered, and at the time of making such first entry, which shall contain on the face of it the number of Passengers actually embarked on board the vessel; and no such entry shall be deemed validly made or have any legal effect whatsoever, unless such rates or duties are so paid as aforesaid; but no child under the age of one year shall be reckoned among the number of Passengers; How such duty shall be paid.

3. Any draft, order or other document made or signed by any person in the United Kingdom aforesaid, duly empowered to that effect by Her Majesty's Government, and directed to Her Majesty's Commissary General or other Commissariat Officer in Canada, and authorizing the payment to the Collector of Customs aforesaid, of the duty which would otherwise be payable by the Master of any Vessel for any number of Immigrants on board such Vessel, shall be accepted by the Collector as payment of the duty payable on such Immigrants, and the sum mentioned in such order shall thereafter be received by such Collector and paid over and applied in the same manner as other money raised under the authority of this Act; Commissariat drafts to be accepted in payment of duty.

4. Nothing in this section shall be construed to authorize the raising, levying or collecting, or to require the payment of, any rate or duty in respect of any passenger or immigrant on board of any vessel entered at any port in the Dominion, other than such as are to be landed in Canada. Exception as to passengers not landed in Canada.

IMMIGRANTS.—PROPORTION OF PASSENGERS TO SIZE OF VESSEL.

3. If any Vessel from any Port or place on the Continent of Europe, or from any other Port or place out of Her Majesty's Proportion of passengers to superficial

 Dominions,

area of lower deck of vessel.

Dominions, come within the limits of Canada, having on board or having had on board at any time during her voyage, any greater number of Passengers than one Adult Passenger for every twelve clear superficial feet on the lower or platform deck of such Vessel, appropriated to the use of such Passengers and unoccupied by stores or other goods not being the personal luggage of such Passengers, or having on board or having had on board at any time during her voyage a greater number of persons, (including the Master and Crew and the cabin Passengers, if any,) than in the proportion of one person for every two tons of the tonnage of such Vessel calculated in the manner used for ascertaining the tonnage of British Ships, the Master of such Vessel shall thereby incur a penalty of not less than eight dollars nor more than twenty dollars for each Passenger or person constituting such excess:

Penalty for contravention.

Definition of "adult."

2. For the purposes of this section, each person of or above the age of fourteen years shall be deemed an Adult, and two persons above the age of one year and under the age of fourteen years, shall be reckoned and taken as one Adult.

IMMIGRANTS.—OBLIGATIONS OF MASTERS OF VESSELS BRINGING THEM.

Recital.

4. And whereas Masters of Vessels are in the practice of embarking Passengers after the Vessel has been cleared and examined by the proper Officer at the Port of departure, and without delivering lists of such additional Passengers to some Officer to whom by law the same ought to be delivered; for the prevention and punishment of such practice: For every Passenger not included in the list of Passengers by any Vessel sailing from a Port in Her Majesty's Dominions, delivered to the Collector of Customs at the Port of Departure, or at the Port where such additional Passenger was embarked, or at the Port at which such Vessel touched after the embarkation of such Passenger, the Master of such Vessel shall, in addition to the duty payable as aforesaid, and at the same time and under the same penalties, pay to the Collector of Customs at the Port in Canada at which the said Vessel is first entered, the sum of eight dollars for each Passenger so embarked as aforesaid, and not included in one of the said lists.

Penalty for carrying passengers not entered on list.

Master not to allow passengers to leave vessel until list has been delivered.

5. No Master of any Vessel arriving at any port in Canada shall permit any Passenger to leave the Vessel until he has delivered to the Collector of Customs at the Port, a certified and correct Passenger list in the form hereinafter mentioned, nor until such list has been certified to be correct and a certificate of such correctness and a permission to allow his Passengers to leave the Vessel, and a receipt for the duties payable by him under the provisions of this Act, has been given to him by the Collector of Customs, under a penalty of not less than twenty dollars and not exceeding one hundred dollars, to be paid by the Master of the Vessel, for every Passenger leaving the same contrary to the provisions of this Act:

Penalty for contravention.

2.

2. The said list shall contain the name of each head of a family being a Passenger on board the Vessel, his profession or trade, his country and the place of his destination, and the number of adult persons and children belonging to his family on board such Vessel, and the name of each person not belonging to any family, with the like particulars of country, trade, profession and destination. **What the list shall contain.**

6. Nothing in this Act shall prevent the Master of any Vessel from permitting any Passenger to leave the Vessel at the request of such Passenger before the arrival of the Vessel at her final Port of destination; but in every such case, the names of the Passengers so leaving shall be entered in the manifest on the list of Immigrants made out at the time of the clearing of the Vessel from the United Kingdom or other part of Europe as aforesaid, and shall be certified under the signatures of the Passengers so leaving the Vessel; And if the number of Passengers remaining on board on the arrival of the Vessel at her final Port of destination does not correspond with that mentioned in such manifest, after deducting the number who have so left the Vessel, the Master thereof shall incur a penalty of twenty dollars for each Passenger not found on board or entered on the manifest as having left the Vessel as aforesaid. **Entry to be made when a passenger leaves the vessel before her arrival in port.** **Penalty for contravention.**

7. Every Pilot who has had charge of any Vessel having Passengers on board, and knows that any Passenger has been permitted to leave the Vessel contrary to the provisions of this Act, and who does not within twenty-four hours after the arrival of such Vessel in the Harbour to which he engaged to pilot her, inform the Collector of Customs thereat, that a Passenger or Passengers has or have been so permitted to leave the Vessel, shall incur a penalty not exceeding five dollars, for every Passenger with regard to whom he has wilfully neglected to give such information. **Duty of Pilot to report infringement of this Act.** **Penalty.**

REPORT BY THE MASTER.

8. The Master of any Passenger Vessel shall, within twenty-four hours after such vessel arrives at her final Port of destination, and before any entry of such Vessel shall be allowed, deliver to the Collector of Customs at the Port at which such Vessel is entered, a correct Report in the form of the Schedule A to this Act, of all the Passengers on board such Vessel at the time of her departure from the Port or place whence she cleared or sailed for Canada, and a true statement of the other particulars mentioned in the said form, under a penalty upon such Master of twenty dollars for each day during which he neglects so to deliver such list, after the expiration of the said twenty-four hours, and of eight dollars for each Passenger whose name is omitted in such list. **Master of vessel to deliver report of passengers.** **Penalty.**

9. In addition to the particulars hereinbefore required in the list of Passengers to be delivered on each voyage by the Master of any Vessel carrying Passengers and arriving at any Port in Canada to the Collector of Customs at such Port, the Master shall report **Other particulars to be entered in report.**

report in writing to the Collector the name and age of all Passengers embarked on board of such vessel on such voyage, who are lunatic, idiotic, deaf or dumb, blind or infirm, stating also whether they are accompanied by relatives able to support them:

Penalty for contravention.

2. And if any Master of any such Vessel omits to report the particulars herein specified, or makes any false report in any such particulars, he shall incur a penalty of not less than twenty dollars and not exceeding one hundred dollars, for every such Passenger in regard to whom any such omission has occurred or any such false report is made for which penalty the owner or owners of the Vessel shall also be liable jointly and severally.

Entry as to passengers who have died.

Disposal of property.

10. The said report shall further contain the name, age and last place of residence of any person who has died during the passage of the Vessel, and shall specify whether such Passenger was accompanied by relatives or other persons, and the names of such relatives or other persons, who were entitled to take charge of the moneys and effects left by such Passenger; and if there were no such relatives or other persons entitled to take charge of the same, then the report shall fully designate the quantity and description of the property (whether money or otherwise) left by such Passenger; and the said Master shall pay over and fully account for the same to the Collector of Customs for the Port at which the Vessel is entered:

Collector of Customs to give receipt.

Penalty for neglect or refusal to make report.

2. The Collector of Customs shall thereupon grant to such Master a receipt for all moneys or effects so placed in his hands by the Master, which receipt shall contain a full description of the nature or amount thereof; and if any Master of a Vessel shall neglect or refuse to make such report, or to pay over and account for any such moneys or effects, as required by this section, he shall incur a penalty of not less than twenty dollars and not exceeding one thousand dollars for every such case of neglect or refusal.

SPECIAL DUTY OF QUARANTINE OFFICERS.

Duty of Medical Superintendent.

11. The Medical Superintendent of any Quarantine Station shall forthwith after the anchoring thereat, in compliance with the requirements of "The Quarantine and Health Act of 1868," of any Vessel carrying Passengers, examine into their condition; and for that purpose the said Medical Superintendent, or other competent person thereunto appointed, may go on board and through any such Vessel and inspect the list of Passengers, and the Bill of Health, Manifest, Log Book or other papers of the Vessel, and, if necessary, take extracts from the same:

Presence of any lunatic or idiotic person, &c., to be reported.

2. If, on examination, there is found among such Passengers any Lunatic, Idiotic, Deaf and Dumb, Blind or Infirm Person, not belonging to any Immigrant family, and such person is, in the opinion of the Medical Superintendent, likely to become permanently a public charge, the Medical Superintendent shall forthwith

with report the same officially to the Collector of Customs at the Port at which the Vessel is to be first entered, who shall (except in the cases in which it is hereinafter provided that such bond may be dispensed with) require the Master of the Vessel, in addition to the duty payable for the Passengers generally, to execute, jointly and severally with two sufficient sureties, a Bond to Her Majesty in the sum of three hundred dollars for every such Passenger so specially reported, conditioned to indemnify and save harmless the Government of Canada or of any Province in Canada, or any Municipality, Village, City, Town or County, or Charitable institution within the same, from any expense or charge to be incurred within three years from the execution of the Bond, for the maintenance and support of any such Passenger; **Subsequent proceedings.** **Bond to be given.**

3. The said sureties shall justify before and to the satisfaction of the said Collector, and by their Oath or Affirmation (which such Collector may administer) shall satisfy him that they are respectively residents in Canada, and each worth double the penalty of such Bond over and above all their debts and liabilities, personal and real; **Nature of sureties.**

4. It shall be optional with the Master of such Vessel either to enter into such Bond jointly and severally with sufficient sureties, as aforesaid, or to pay to the Collector of Customs who might otherwise require such Bond, such sum as may have been fixed in that behalf by any instructions from the Government of Canada, as being just and equitable and sufficient to indemnify Canada, or any of the Provinces, or any Municipality, Village or City, Town or County, or Charitable Institution within Canada, against the risk of expense for the care, support and maintenance of such Passenger or Passengers during the then next ensuing three years; **Master may pay over a certain sum instead of giving security.**

5. And the Collector of Customs may dispense with such bond, or money in lieu thereof, if it appears by the certificate of the Medical Superintendent at the proper Quarantine Station (which certificate the said Medical Superintendent may give) that the Passenger with respect to whom such bond or money is required has become lunatic, idiotic, deaf and dumb, blind or infirm, from some cause not existing or discernable at the time of the departure of the ship from the port where such Passenger embarked. **When bond or payment may be dispensed with.**

12. The proper Agent for Immigration may, with the consent of the Minister of Agriculture, make arrangements with the Master, Owner or Charterer of the vessel carrying the lunatic, idiotic, deaf and dumb, blind or infirm person with respect to whom a bond has been given, or money paid in lieu thereof, or with the Master, Owner or Charterer of any other vessel, for the reconveyance of such person to the port from which he was carried to Canada; **Arrangement for sending back such persons.**

2. Money paid in lieu of or on breach of the condition of a Bond in any such case, or so much thereof as is necessary, may be **Money paid in lieu of bond**

may be applied to such reconveyance.

be applied to pay for such reconveyance of the person with respect to whom it has been paid, and when such person has been so reconveyed, the Bond so given may be cancelled, or the money paid in lieu thereof (deducting the passage money if any) may be returned, on the receipt by the said Agent for Immigration of a certificate of the safe arrival of the lunatic, idiotic, deaf and dumb, blind or infirm person at the port from which he was brought as aforesaid, under the hand of the Chief Emigration Officer or British Consul there, or on proof satisfactory to such Agent for Immigration of his having died during the voyage without any fault attaching to the Owner, Master or any of the Crew of such vessel.

Proceedings if such person becomes chargeable upon Canada, &c.

13. If any Passenger, in respect to whom any Bond has been given as aforesaid, becomes at any time within three years from the execution thereof, chargeable upon Canada, or upon any Province, Municipality, Village, City, Town, or County, or upon any Charitable Institution within Canada, the payment of such charge or expense incurred for the maintenance and support of such Passenger shall be provided for out of the moneys collected on and under such Bond, to the extent of the penalty therein contained or such portion thereof as is required for the payment of such charges or expenses.

Penalty for neglect or refusal to execute bond.

14. If the Master of any vessel, on board which such Passenger specially reported as aforesaid has been carried, neglects or refuses to execute the said Bond, or to pay the sum which he may pay instead of giving such Bond, forthwith after the said ship has been reported to the Collector of Customs, such Master shall incur a penalty of four hundred dollars, and the said Vessel shall not be cleared on her return voyage until the said Bond has been executed or the said sum paid, nor until the said penalty has been paid with all costs incurred on any prosecution for the recovery thereof.

How such bond shall be disposed of.

15. After any such Bond as aforesaid has been executed, the Collector of Customs shall transmit the same to the Receiver General of Canada, to be by him kept and held, during the said period of three years from the execution of the said Bond, or until the payment of the penalty therein mentioned (if incurred) has been enforced:

Necessity of enforcing bond —how ascertained.

2. For the purpose of ascertaining the necessity of such enforcement, the Immigration Agents, upon representation made to either of them, in their respective portions of Canada, shall ascertain the right and claim to indemnity for the maintenance and support of any such specially reported Passenger, and shall report the same to the Governor through the Minister of Agriculture, and the said report shall be final and conclusive in the matter, and shall be evidence of the facts therein stated;

Penalty to be sued for.

3. And the said penalty, or so much thereof as is sufficient from time to time to defray the expense incurred for the maintenance

tenance and support of any Passenger for whom the said Bond was given as aforesaid, shall be prosecuted for and recovered by suit or information in Her Majesty's name, in any Court in Canada having jurisdiction in civil cases to the amount for which such suit or information is brought.

PAUPER IMMIGRANTS.

16. The Governor may, by proclamation, whenever deemed necessary, prohibit the landing of pauper or destitute Immigrants in all Ports or any Port in Canada, until such sums of money as may be found necessary are provided and paid into the hands of one of the Canadian Immigration Agents, by the master of the vessel carrying such Immigrants, for their temporary support and transport to their place of destination; and during such time as any such pauper Immigrants would, in consequence of such orders have to remain on board such vessel, the Governor may provide for proper anchorage grounds being assigned to such vessel and for such vessel being visited and superintended by the Medical Superintendent or any Inspecting Physician of the Port or Quarantine Station, and for the necessary measures being taken to prevent the rise or spread of diseases amongst the passengers, in such vessel and amongst people on shore.

Landing of pauper or destitute immigrants may be prohibited.

PROVISIONS FOR THE PROTECTION OF PASSENGERS.

17. Every Passenger on board any Vessel arriving in the Port or Harbour to which the Master of such Vessel engaged to convey him, shall be entitled to remain and keep his luggage on board such vessel during forty-eight hours, after her arrival in such Port or Harbour; and every such Master who compels any Passenger to leave his Vessel before the expiration of the said term of forty-eight hours shall incur a penalty of not exceeding twenty dollars, for every passenger he so compels to leave his Vessel, nor shall the Master of the Vessel remove, before the expiration of the said forty-eight hours, any berthing or accommodation used by his Passengers, under a like penalty, except with the written permission of the Medical Superintendent at the proper Quarantine Station.

Passengers to be entitled to remain on board forty-eight hours after arrival in port

Penalty for contravention.

18. The Master of any Vessel having Passengers on board, shall land his Passengers and their luggage free of expense to the said Passengers, at the usual Public Landing Places in the Port of arrival, according to orders which he may receive from the authorities of the said Port, and at reasonable hours not earlier than six of the clock in the morning, and not later than four of the clock in the afternoon; and the Vessel shall, for the purpose of landing Passengers and luggage, be anchored in such convenient and safe place, or moored at such wharf as may be appointed for that purpose by the authorities of the Port.

Passengers and luggage to be landed free of expense.

Governor may appoint landing places.

19. The Governor in Council may, by proclamation, from time to time, appoint the place at which all Immigrants and Passengers arriving at any Port in Canada, other than such as may be specially excepted in such proclamation, shall be landed, and may, in and by such proclamation, make such regulations as he shall think proper, for the government of the place so appointed, and for the protection of the Immigrants landed thereat, and such proclamation being published at least twice in the *Canada Gazette*, with an interval of at least six days between each publication, shall have the force of law, and shall be in force until suspended by a later proclamation for the like purpose, published as aforesaid; and at the place so appointed the Governor may cause proper shelter and accommodation to be provided for Immigrants until they can be forwarded to their place of destination; and any contravention of any such proclamation as aforesaid, or of any regulation therein contained, shall be deemed a contravention of this Act;

Regulation as to the landing of passengers.

2. The Master of any vessel arriving in any Port in Canada and having on board the same any Immigrants or Passengers to whom any such proclamation as aforesaid then in force shall apply, shall land such Immigrants or Passengers and their luggage free of expense at the place so appointed, and at reasonable hours, not earlier than six in the morning nor later than four in the afternoon, and the vessel shall, for the purpose of landing such Immigrants or Passengers and their luggage, either be moored at the wharf at the place appointed for such landing, or anchored in the Port; and the masters of such vessels, so anchored, shall duly land, within the hours aforesaid, by steam tug, or other proper tender, their passengers at such wharf as aforesaid, and not elsewhere, under a penalty of forty dollars for each offence against the provisions of this section or the next preceding section:

Penalty for contravention.

Penalty for breach of law or contract by master of vessel, with respect to foreign immigrants.

20. And for the purpose of securing to Foreign Immigrants, coming to Canada, the observance towards them during the voyage of the laws of the Country from which they are conveyed hither,—if during the voyage of any Vessel carrying Passengers or Immigrants from any Port not within the United Kingdom to any Port in Canada, the Master or any of the crew of such Vessel, are guilty of any infraction of the laws in force in the Country in which such Foreign Port is situate, regarding the duties of such Master or crew towards the Passengers in such Vessel,—or if the Master of any such Vessel do during such voyage commit any breach whatever of the contract for the passage made with any Passenger or Immigrant by such Master, or by the Owner or Charterer of such vessel, or any person acting on his behalf,—such Master or such one of the crew shall for any such offence be liable to a penalty of not less than twenty dollars, nor more than one hundred dollars independently of any remedy which the party complaining otherwise has by law.

21.

21. Proof under this Act of the law of a Foreign Country may be made by the testimony of any Consul for the Country from which the vessel sailed; and the proof of the contract for his passage made by any such Immigrant in any such vessel sailing from any European Port not within the United Kingdom, may be made in all cases by the evidence of the parties to such contract. **Proof, how made in such case.**

22. No person shall, at any port or place within Canada, for hire, reward or gain, or the expectation thereof, conduct, solicit, or recommend, either orally, or by handbill or placard, or in any other manner, any Immigrant, to or on behalf of any steamboat owner or charterer, or to or on behalf of any Railway Company, or to or on behalf of any lodging house-keeper or tavern-keeper, or any other person, for any purpose connected with the preparations or arrangements of such Immigrant for his passage to his final place of destination in Canada or in the United States of America or the territories thereof; or give or pretend to give to such Immigrant any information, oral, printed or otherwise, or assist him to his said place of destination, or in any way exercise the vocation of booking passengers or taking money for their inland fare or for the transportation of their luggage, unless such person has first obtained a license from the Mayor of the City or municipality in Canada within which such person resides, authorizing him to act in such capacity; and any person so acting without having first obtained such license, shall, upon every conviction, incur a penalty of not less than fifty dollars: **Soliciting and recommending immigrants as to lodgings, routes, &c., prohibited, except by licensed persons.** **Penalty.**

2. Such Mayor may grant such license on such person producing a recommendation from the Government Immigration Agent nearest to the place where the license is granted, to the effect that he is a proper person to receive such license, and on his giving a satisfactory bond to the Mayor, with two sufficient sureties in the penal sum of three hundred dollars, as security for his good behaviour; and such license shall not be for any period longer than one year from its date; and such person shall pay for such license to the Corporation of such City or Municipality such sum, not exceeding one hundred dollars, as the Mayor and Council shall determine. **License, how obtained: duration and cost.**

23. Every keeper of a Tavern, Hotel or Boarding-house in a City, or in any Town, Village or place to which the Governor by Proclamation published in the *Canada Gazette*, declares that this section shall extend, who receives into his house, as a Boarder or Lodger, any Immigrant within three months from his arrival in Canada, shall cause to be kept conspicuously posted in the public rooms and passages of his house and printed upon business cards, a list of the rates of prices which will be charged to Immigrants per day and week for board or lodging, or both, and also the rates for separate meals, which card shall contain the name of the keeper of such house together with the name of the street in which it is situated, and its number in such street: **Lists of prices to be displayed in taverns, &c.**

2.

Penalty for contravention

2. Every keeper of any such Tavern, Hotel or Boarding-house, neglecting or refusing to post a list of rates, or to keep business cards, or charging or receiving, or permitting or suffering to be charged or received for boarding or lodging, or for meals in his house, any sum in excess of the rates or prices so posted and printed on such business cards, or omitting immediately on any Immigrant entering such house as a boarder or lodger for the purpose of taking any meal therein, to deliver to such Immigrant one of such printed business cards, shall, upon conviction of any of the said offences, be deprived of his license and incur a penalty of not less than five dollars nor more than twenty dollars;

Boarding-house keeper, &c, not to have lien on immigrants' goods beyond five dollars.

3. And no such Boarding-house Keeper, Hotel Keeper, or Tavern Keeper shall have any lien on the effects of such Immigrant for any amount claimed for such board or lodging, for any sum exceeding five dollars; and any such person detaining the effects of any immigrant after he has been tendered the said sum of five dollars or such less sum as is actually due for board or lodging, shall, on conviction thereof, incur a penalty of not less than five dollars, or more than twenty dollars, over and above the value of the effects so detained, if not immediately restored, and a search warrant may be issued for the same.

RECOVERY OF DUTIES AND PENALTIES.

Duties, penalties, &c., to be a lien upon the vessel.

24. Every duty, penalty or forfeiture, imposed or declared under the authority of this Act, shall be a special lien upon the vessel by reason whereof it has become payable and the master whereof has become liable in such penalty, and may be enforced and collected by the seizure and sale of the vessel, her tackle, apparel and furniture, under the warrant or process of the Justices or Court before whom it has been sued for and recovered, and shall be preferred to all other liens or hypothecations except mariners' wages.

Where prosecutions under s. 23 may be brought.

25. All prosecutions for penalties under section twenty-three of this Act, may be brought at the place where the offender then is, before any Magistrate having jurisdiction in such place at the suit of any Agent for Immigration in the employ of Her Majesty, in Canada; and the penalties to be recovered under the said section shall be paid into the hands of the Receiver General, to form part of the Consolidated Revenue Fund of Canada;

Magistrate may award part of penalty to party aggrieved.

2. The Magistrate before whom any such penalty is recovered may, in his discretion, award any part of the penalty to the party aggrieved by the infraction of law or breach of contract complained of, and may award costs against the offending party, as in the ordinary cases of summary proceedings, and may also award imprisonment for a period not exceeding three months, to terminate on payment of any penalty incurred under the said section.

26.

26. All penalties, other than those referred to in the next preceding section, imposed by this Act, or by any Regulation made by the Governor in Council, under the provisions of this Act, and not exceeding eighty dollars in amount, shall be sued for by any Collector of Customs, or by any Immigration Agent, and recovered with costs on the oath of one credible witness other than the prosecutor, in a summary manner, before any two Justices of the Peace, and such Justices may commit the offender to the Common Gaol until such penalty and costs are paid; and all such penalties exceeding the sum of eighty dollars may be recovered by civil action by any such officer as aforesaid, on like evidence, in any Court of competent jurisdiction: Penalties under other sections; how recovered.

2. One moiety of every such penalty shall belong to Her Majesty, Her Heirs and Successors, and shall be paid into the hands of the Receiver General to form part of the Consolidated Revenue Fund of Canada, and the other moiety shall belong to the prosecutor; Disposal of penalties.

3. But every offence against the provisions of this Act or any Regulation made under it, the penalty imposed for which by this Act or any such Regulation exceeds the sum of forty dollars, shall be a misdemeanor punishable by fine or imprisonment or both in the discretion of the Court before which the offender is convicted. When penalty exceeds forty dollars, offence to be misdemeanor.

27. Upon complaint being made before any one Justice of the Peace, in any case over which two Justices have jurisdiction as aforesaid, he shall issue a Summons requiring the party complained against to appear on a day and at an hour and place to be named in such Summons, and every such Summons shall be served on the party offending or complained against, or shall be left at his place of residence or business, or on board any vessel to which he belongs: Summons to be issued.

2. Either upon the appearance or default to appear of the party complained against, any two or more Justices may proceed summarily upon the case, and either with or without any written information; and upon proof of the offence or of the complainant's claim, either by confession of the party complained against, or upon the oath of at least one credible witness other than the Prosecutor (which oath such Justices may administer) the Justices may convict the offender, and upon such conviction order the offender or party complained against to pay the penalty imposed by this Act, or by any such Regulation as aforesaid, according to the nature of the offence, and also to pay the costs attending the information or complaint; Proceedings upon appearance or default.

3. If forthwith upon such order the moneys thereby ordered to be paid, are not paid, the same may be levied, with the costs of the distress and sale, by distress and sale of the goods and chattels of the party ordered to pay such moneys, the surplus, if any If moneys are not paid, the same may be levied by distress.

any, to be returned to him upon demand; and any such Justices may issue their warrant accordingly, and may also order such party to be detained and kept in safe custody until return can conveniently be made to such Warrant of Distress, unless such party gives security to the satisfaction of such Justices for his appearance before them on the day appointed for such return, such day not being more than three days from the time of taking such security;

Proceedings if there is no sufficient distress.

4. But if it appears to such Justices, by the admission of such party or otherwise, that no sufficient distress can be had whereon to levy the moneys so adjudged to be paid, they may, if they think fit, refrain from issuing a Warrant of Distress in the case, or if such Warrant has been issued, and upon the return thereof such insufficiency as aforesaid is made to appear to the Justices, or to any two or more of them, then such Justices shall, by Warrant, cause the party ordered to pay such moneys and costs as aforesaid to be committed to Gaol, there to remain without bail for any term not exceeding three months, unless such moneys and costs ordered to be paid and such costs of distress and sale as aforesaid, be sooner paid and satisfied; but such imprisonment of a Master of any Vessel shall not discharge the Vessel from the lien or liability attached thereto by the provisions of this Act.

Conviction or proceeding not to be quashed for want of form, &c.

28. No conviction or proceeding under the four next preceding sections shall be quashed for want of form, or be removed by appeal or *certiorari*, or otherwise, into any of Her Majesty's Superior Courts of Record in Canada; and no Warrant of Commitment shall be held void by reason of any defect therein, provided it be thereby alleged that the party has been convicted, and there be a good and valid conviction to sustain the same.

MONEYS LEVIED AND EXPENDED.

Payment of expenses under this Act.

29. All the expenses to be incurred in carrying the provisions of this Act into effect or under the provisions thereof shall be paid out of any moneys granted from time to time by Parliament for that purpose and for affording help and advice to Immigrants, aiding Destitute Immigrants, visiting and relieving them, procuring medical assistance and otherwise attending to the object of Immigration, as determined by the Parliamentary grants, and by orders of the Governor General for the management of the same.

Moneys collected, how disposed of.

30. The moneys levied under this Act shall be paid by the Collector of Customs by whom they are received, into the hands of the Receiver General, to form part of the Consolidated Revenue Fund of Canada.

INTERPRETATION.

Interpretation clause:— "Master,"

31. In this Act, unless there be something in the context inconsistent with such interpretation, the word "Master" shall apply to any

any person in command of a Vessel; the word "Vessel" shall include all Ships, Vessels, or Craft of any kind carrying Passengers; the word "Passengers" shall apply to all Passengers as well as to Immigrants usually and commonly known and understood as such, but not to Troops or Military Pensioners and their families, who are carried in Transports or at the expense of the Imperial Government. "Vessel," "Passengers."

32. This Act shall commence and take effect on the first day of January, 1870, and on and after the said day the following Acts and parts of Acts shall be repealed, that is to say:— Commencement of Act.

So much of Chapter forty of the Consolidated Statutes of the late Province of Canada "*respecting Emigrants and Quarantine,*" as has not been already repealed: Acts repealed, Con. Stat. Can. c. 40.

The Act of the Legislature of the said late Province of Canada, passed in the twenty-fifth year of Her Majesty's Reign, Chapter eight "*to amend the Act respecting Emigrants and Quarantine:*" Can. 25 Vic. c. 8.

The Act of the Legislature of the said late Province of Canada, passed in the Session thereof held in the twenty-seventh and twenty-eighth years of Her Majesty's Reign, Chapter sixteen "*to amend the Act respecting Emigrants and Quarantine:*" Can. 27, 28 Vic. c. 16.

The Act of the Legislature of the Province of New Brunswick, passed in the twenty-fourth year of Her Majesty's Reign, Chapter four, "*relating to Passengers arriving within this Province:*" N.B. 24 Vic. c. 4.

Except only as regards offences committed or liabilities incurred under any of the said Acts before the said day, with respect to which, and to all proceedings relating to which, the said Acts shall remain in force; and every enactment or provision in any other Act or law in force in any part of Canada before the coming into force of this Act, inconsistent with this Act, or making any provision for any matter provided for by this Act other than such as is hereby made, shall also be repealed on and after the said day. Exceptions as to things heretofore done, &c.

33. When citing this Act it shall be sufficient to call it "The Immigration Act, 1869." Short title.

SCHEDULE

SCHEDULE A.

PARTICULARS RELATIVE TO THE VESSEL.

Vessel's Name.	Master's Name.	Tonnage.	From what Port or place.	Total number of Superficial feet in the several compartments set apart for Passengers other than Cabin Passengers.	Total number of Adult Passengers exclusive of Master, Crew and Cabin Passengers, which the Vessel can legally carry.	Where bound.

NAMES AND DESCRIPTION OF PASSENGERS.

Port of Embarkation.	Names of Passengers.	Adults. Age.		Children between 1 and 14. Age.		Number of infants not over 1 year.	Profession, occupation or calling of Passengers.	Nation or Country of Birth.	Port at which Passengers have contracted to be landed.	Any further particulars, as deaths, &c.
		Male.	Female.	Male.	Female.					

SUMMARY.

	Number of Souls.	Number of Adults to which they are equal under the Immigration Act, 1869.
Adults		
Children between 1 and 14....................		
Infants not over 1..........................		
Total....................................		

I hereby certify that the above is a correct description of the (*description of Vessel as Ship, Brig, &c.,*) (*Name of Vessel*) and a correct list of all the Passengers on board the same at the time of her departure from (*place from whence she came*) and that all the particulars therein mentioned are true.

Date 18 . *Signature of Master.*

CAP.

CAP XI.

An Act respecting Patents of Invention.

[*Assented to 22nd June,* 1869.]

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows : Preamble.

PATENT OFFICE CONSTITUTED.

1. There shall be attached to the Department of Agriculture, as a branch thereof, an Office to be named The Patent Office; and the Minister of Agriculture for the time being shall be the Commissioner of Patents of Invention; and it shall be the duty of the said Commissioner to receive all applications, fees, papers, documents and models for patents, and to perform such acts and things respecting the granting and issuing of patents for new and useful inventions, discoveries, and improvements as are herein provided for; and he shall have the charge and custody of the books, records, papers, models, machines, and other things belonging to the said Office. Minister of Agriculture to be Commissioner of Patents of Invention.

2. The Commissoner shall cause a seal to be made for the purposes of this Act, and may cause to be sealed therewith letters patent and other instruments and copies proceeding from the Patent Office; and all Courts, Judges, and other persons whomsoever shall take notice of such seal, and receive impressions thereof in evidence, in like manner as impressions of the Great Seal are received in evidence, and shall also take notice of and receive in evidence, without further proof and without production of the originals, all copies or extracts certified under the seal of the said Office to be copies of or extracts from documents deposited in such office. Seal to be made and impressions thereof to be received in evidence.

3. The Commissioner may, from time to time subject to the approval of the Governor in Council, make such rules and regulations, and prescribe such forms, as may appear to him necessary and expedient for the purposes of this Act; and notice thereof shall be given in the *Canada Gazette;* and all documents, executed after the same and accepted by the Commissioner, shall be held valid so far as relating to proceedings in the Patent Office. Commissioner to make rules, &c. Publication and effect.

4. The Deputy of the Minister of Agriculture shall be the Deputy Commissioner of Patents of Invention; and the Governor may, from time to time, appoint such clerks and officers under him as may be necessary for the purpose of this Act, and such clerks and officers shall hold office during pleasure. Deputy Commissioner and Clerks.

5.

Annual report and list of Patents, &c.

5. The Commissioner shall cause a report to be prepared annually and laid before Parliament of the proceedings under this Act, and shall from time to time, and at least once in a year, publish in the *Canada Gazette* a list of Patents granted, and may, with the approval of the Governor in Council, cause such specifications and drawings as may be deemed of interest, or essential parts thereof, to be printed from time to time for distribution or sale.

WHO MAY OBTAIN PATENTS.

Residents of Canada during one year, may obtain Patents for their own discoveries and inventions

6. Any person having been a resident of Canada for at least one year next before his application, and having invented or discovered any new and useful art, machine, manufacture, or composition of matter, or any new and useful improvement on any art, machine, manufacture or composition of matter, not known or used by others before his invention or discovery thereof, or not being at the time of his application for a patent in public use or on sale in any of the Provinces of the Dominion with the consent or allowance of the inventor or discoverer thereof, may, on a petition to that effect presented to the Commissioner and on compliance with the other requirements of this Act, obtain a Patent granting to such person an exclusive property therein; and the said Patent shall be under the seal of the Patent Office and the signature of the Commissioner, or the signature of another member of the Privy Council, and shall be good and avail to the grantee, his heirs, assigns or other legal representatives, for the period mentioned in such Patent; but no Patent shall issue for an invention or discovery having an illicit object in view, nor for any mere scientific principle or abstract theorem.

Form of Patent.

Proviso.

As to Foreign Patent to same inventor.

7. An original and true inventor or discoverer shall not be deprived of the right to a Patent for his invention or discovery by reason of his having, previously to his application, taken out a Patent therefor in any other country, at any time within six months next preceding the filing of his specification and drawing as required by this Act.

Representative of Inventor may obtain Patent.

8. The Patent may be granted to any person to whom the inventor or discoverer, entitled under the sixth section to obtain a Patent, has assigned or bequeathed the right of obtaining the same, and the exclusive property in the invention or discovery in Canada, or in default of such assignment or bequest, to the executor or administrator of the deceased inventor, or discoverer or other legal representative.

As to patents for improvement on patented inventions.

9. Any person, having been a resident of Canada for at least one year next before his application, and who has invented or discovered any improvement on any Patented invention or discovery, may obtain a Patent for such improvement, but shall not thereby obtain the right of vending or using the original invention or discovery, nor shall the Patent for the original invention or discovery confer the right of vending or using the patented improvement.

10.

10. In cases of joint applications, the Patent shall be granted in the names of all the applicants; and in such cases, any assignment from one of the said applicants or patentees to the other shall be registered in the manner of other assignments. **Of joint applicants for Patent.**

CONDITIONS AND FORMALITIES.

11. Every applicant for a Patent, before he can obtain the same, shall make oath or when entitled by law to make an affirmation instead of an oath, shall make an affirmation that he verily believes that he is, or that the person whose assignee or representative he is, is or was the true inventor, or discoverer of the invention or discovery for which the Patent is solicited, and that he, or the person whose assignee or representative he is, was a resident of Canada for one year next before the application, or in case of death of the inventor or discoverer, for one year next before such death; such oath or affirmation may be made before any Justice of the Peace in Canada; but if the applicant is not at the time in Canada, the oath or affirmation may be made before any Minister Plenipotentiary, *chargé d'affaires*, consul or consular agent, holding commission under the government of the United Kingdom, or any Judge of the Country in which the applicant happens at the time to be. **Declaration to be made by applicant for Patent.** **Before whom to be made.**

12. The Petitioner for a Patent shall for all the purposes of this Act elect his domicile at some known and specified place in Canada, and mention the same in his Petition for a Patent, and he shall in the same Petition state the place or places in Canada, at which he, or, if his application be as assignee or representative, the person whose assignee or representative he is, was resident during the year of residence required by this Act, and the period of residence at each such place. **Petitioner to elect domicile in Canada, and state where he has resided.**

13. The applicant shall, in his Petition for a Patent, insert the title or name of his invention or discovery, its object and a short description of the same, and shall distinctly allege all the facts which are necessary under this Act to entitle him to a Patent therefor, and shall with the petition send in a written specification, in duplicate, of his invention or discovery, describing the same in such full, clear and exact terms as to distinguish it from all contrivances or processes for similar purposes. **Contents, &c., of application for patent and of specification.**

14. The specification shall correctly and fully describe the mode or modes of operating contemplated by the applicant,—and shall state clearly and distinctly the contrivances and things which he claims as new, and for the use of which he claims an exclusive property and privilege;—it shall bear the name of the place where it is made, the date, and be signed by the applicant and two witnesses;—in the case of a machine the specification shall fully explain the principle and the several modes in which it is intended to apply and work out the same; in the case of a machine or in any other case where the invention or discovery **Specification and drawings; form of, and what they shall show.**

admits of illustration by means of drawings, the applicant shall also, with his application, send in drawings in duplicate showing clearly all parts of the invention or discovery; and each drawing shall bear the name of the inventor or discoverer and shall have written references corresponding with the specification, and a certificate of the applicant that it is the drawing referred to in the specification; but the Commissioner may require any greater number of drawings than those above mentioned, or dispense with any of them, as he may see fit; one duplicate of the specification and of the drawings, if any drawings, shall be annexed to the Patent, of which it forms an essential part, and the other duplicate shall remain deposited in the Patent Office.

Commissioner may require other drawings.

Working model to be delivered to Commissioner.

15. The applicant shall also deliver to the Commissioner, unless specially dispensed from so doing for some good reason, a neat working model of his invention or discovery on a convenient scale, exhibiting its several parts in due proportion, whenever the invention or discovery admits of such model; and shall deliver to the Commissioner specimens of the ingredients, and of the composition of mater sufficient in quantity for the purpose of experiment, whenever the invention is a composition of matter; provided such ingredients and composition are not of an explosive character or otherwise dangerous, in which case they are to be furnished only when specially required by the Commissioner, and then with such precautions as shall be prescribed in the said requisition.

Proviso.

CONTENTS, DURATION, SURRENDER, RE-ISSUE OF PATENTS AND DISCLAIMERS.

Contents of patents.

16. Every patent granted under this Act shall recite briefly the substance of the petition on which it is granted, and shall contain the title or name of the invention or discovery and a short description of the same, referring for a fuller detail to the specification,—and shall grant to the Patentee, his assigns and legal representatives, or in trust as the case may be, for the period therein mentioned from the granting of the same, the exclusive right, privilege and liberty of making, constructing and using, and vending to others to be used, the said invention or discovery,—and shall contain a condition that it is nevertheless subject to adjudication before any Court of competent jurisdiction.

Conditions, &c.

Duration of patents: periodical extension, in all 15 years.

17. Patents of invention or discovery issued by the Patent Office shall be valid for a period of five years; but at or before the expiration of the said five years the holder thereof may obtain an extension of the patent for another period of five years, and after those second five years may again obtain a further extension for another period of five years; and the instrument delivered by the Patent Office for such extension of time shall be in the form which may be from time to time adopted, and shall be made in duplicate, one duplicate to remain of record and be duly registered, and the other to be attached, with a reference to the Patent, under the

the seal of the Patent Office, and signature of the Commissioner, or any other Privy Councillor in case of absence of the Commissioner.

18. Every such patent and every instrument for granting a further extension of any patent, shall, before it is signed by the Commissioner, or any other member of the Privy Council, and before the seal hereinbefore mentioned is affixed to it, be examined by the Minister of Justice, who, if he finds it conformable to law, shall certify accordingly; and such patent or instrument may then be signed and the seal affixed thereto, and being duly registered, shall avail to the grantee thereof and be delivered to him.

Patent to be examined by Minister of Justice before it is signed.

19. Whenever any patent shall be deemed defective or inoperative by reason of insufficient description or specification, or by reason of the patentee claiming more than he had a right to claim as new, but at the same time it appears that the error arose from inadvertence, accident or mistake, without any fraudulent or deceptive intention, the Commissioner may, upon the surrender of such patent, and the payment of the further fee hereinafter provided, cause a new patent in accordance with an amended description and specification, to be made by such patentee, to be issued to him for the same invention or discovery, for any part or the whole of the then unexpired residue of the five years period for which the original patent was or might have been, as hereinbefore directed, granted;—In case of the death of the original patentee or of his having assigned the patent, a like right shall vest in his assignee or legal representative; The new patent, and the amended description and specification, shall have the same effect in law, on the trial of any action thereafter commenced for any cause subsequently accruing, as if the same had been originally filed in such corrected form before the issue of the original patent.

In case of error, the Commissioner may cause a new patent to be issued.

Its effect.

20. Similarly, whenever by any mistake, accident or inadvertence and without any wilful intent to defraud or mislead the public, a patentee has made his specification too broad, claiming more than that of which he or the party through whom he claims was the first inventor or discoverer or has in the specification claimed that he or the party through whom he claims was the first inventor or discoverer of any material or substantial part of the invention or discovery patented, of which he was not the first inventor or discoverer, and had no legal right thereto;—the patentee may, on payment of the fee hereinafter provided, make disclaimer of such parts as he shall not claim to hold by virtue of the patent or the assignment thereof;—such disclaimer shall be in writing, and in duplicate, and attested in the manner hereinbefore prescribed for a patent, one copy to be filed and recorded in the office of the Commissioner, the other copy to be attached to the Patent and made a part thereof by reference, and such disclaimer shall thereafter be taken and considered as part of the original specification; such disclaimer shall not affect any action pending at the time of its being made, except in so far as may relate

Patentee may make disclaimer of anything included in patent by mistake.

Effect of disclaimer.

relate to the question of unreasonable neglect or delay in making it; in case of the death of the original Patentee or of his having assigned the Patent, a like right shall vest in his assigns or legal representatives respectively, any of whom may make disclaimer; the Patent shall thereafter be deemed good and valid for so much of the invention or discovery as is truly the disclaimant's own, and not disclaimed, provided it be a material and substantial part of the invention or discovery, and definitely distinguished from other parts claimed without right; and the disclaimant shall be entitled to maintain a suit for such part accordingly.

ASSIGNMENT AND INFRINGMENT OF PATENTS.

Government may use any patented invention.

21. The Government of Canada may always use any patented invention or discovery, paying to the patentee such sum as the Commissioner may report to be a reasonable compensation for the use thereof.

Patents to be assignable.

Assignments to be registered, on pain of nullity.

22. Every patent for an invention or discovery whensoever issued shall be assignable in law either as to the whole interest or as to any part thereof, by any instrument in writing; but such assignment and also every grant and conveyance of any exclusive right to make and use and to grant to others the right to make and use the invention or discovery patented within and throughout the Dominion of Canada, or within and throughout any one or more of the Provinces of Ontario, Quebec, Nova Scotia or New Brunswick, or any part of any of such Provinces or of the Dominion shall be registered in the Office of the Commissioner; and every assignment affecting a Patent for invention or discovery shall be deemed null and void against any subsequent assignee unless such instrument is registered as hereinbefore prescribed, before the registering of the instrument under which such subsequent assignee may claim.

Remedy for infringement of patent.

23. Every person who, without the consent in writing of the Patentee, makes, constructs or puts in practice any invention or discovery for which a Patent has been obtained under this Act, or procures such invention or discovery from any person not authorised to make or use it by the Patentee, and uses it, shall be liable to the Patentee in an action of damages for so doing;—and the judgment shall be enforced, and the damages, and costs as may be adjudged, shall be recovered in like manner as in other cases in the Court in which the action is brought.

Action for infringement of patent.

Injunction may issue.

24. An action for the infringement of a Patent may be brought before any Court of Record having jurisdiction to the amount of damages asked for and having its sittings within the Province in which the infringement is said to have taken place, and being at the same time, of the Courts of such jurisdiction within such Province, the one of which the place of holding is nearest to the place of residence or of business of the defendant; and such Court shall decide the case and determine as to costs; n any action for the

the infringement of a Patent, the Court, if sitting, or any judge thereof in Chambers if the Court be not sitting may, on the application of the plaintiff or defendant respectively, make such order for an injunction, restraining the opposite party from further use, manufacture or sale of the subject matter of the patent, and for his punishment in the event of the disobedience to such order, or for inspection or account, and respecting the same and the proceedings in the action, as the Court or Judge may see fit;—but from such order an appeal shall lie under the same circumstances and to the same Court, as from other judgments or orders of the Court in which the order was made.

Appeal allowed.

25. Whenever the plaintiff fails to sustain his action, because his specification and claim embrace more than that of which he was the first inventor or discoverer, and it appears that the defendant used or infringed any part of the invention or discovery justly and truly specified and claimed as new, the Court may discriminate, and the judgment may be rendered accordingly.

Court may discriminate in certain cases.

26. The defendant in any such action may specially plead as matter of defence any fact or default which by this Act or by law would render the Patent void; and the Court shall take congnizance of that special pleading and of the facts connected therewith, and shall decide the case accordingly.

Defence in actions for infringement.

NULLITY, IMPEACHMENT AND VOIDANCE OF PATENT.

27. A Patent shall be void, if any material allegation in the petition or declaration of the applicant be untrue, or if the specification and drawings contain more or less than is necessary for obtaining the end for which they purport to be made, such omission or addition being wilfully made for the purpose of misleading; but if it shall appear to the Court that such omission or addition is simply an involuntary error, and it is proved that the Patentee is entitled to the remainder of his Patent *pro tanto*, the Court shall render a judgment in accordance with the facts, and determine as to costs, and the Patent shall be held valid for such part of the invention described, and two office copies of such judgment shall be furnished to the Patent Office by the Patentee, one to be registered and to remain of record in the office, and the other to be attached to the Patent and made a part of it by a reference.

Patent to be void in certain cases or only valid for part.

28. Every Patent granted under this Act shall be subject and expressed to be subject to the condition that such Patent and all the rights and privileges thereby granted shall cease and determine and the Patent shall be null and void, at the end of three years from the date thereof, unless the Patentee shall, within that period, have commenced and shall, after such commencement, carry on in Canada the construction or manufacture of the invention or discovery patented, in such manner that any person desiring to use it may obtain it or cause it to be made for him at a reasonable price

Patents to be conditioned on manufacture in Canada of thing patented.

price at some manufactory or establishment for making or constructing it, in Canada, and that such patent shall be void if after the expiration of eighteen months from the granting thereof, the patentee or his assignee or assignees for the whole or a part of his interest in the Patent, imports or causes to be imported into Canada, the invention or discovery for which the Patent is granted.

Proceedings for impeachment of patent.

29. Any person desiring to impeach any Patent issued under this Act, may obtain a sealed and certified copy of the Patent and of the petition, declaration, drawings and specification thereunto relating, and may have the same filed in the Office of the Prothonotary or Clerk of the Superior Court for the Province of Quebec, or of the Court of Queen's Bench or Common Pleas for the Province of Ontario, or of the Supreme Court in the Province of Nova Scotia, or of the Court of Queen's Bench in the Province of New Brunswick, according to the domicile elected by the Patentee as aforesaid, which Court shall adjudicate on the matter and decide as to costs; the Patent and documents aforesaid shall then be held as of record in such Court, so that a Writ of *Scire Facias* under the Seal of the Court grounded upon such record may issue for the repeal of the Patent, for legal cause as aforesaid, if upon proceedings had upon the Writ in accordance with the meaning of this Act the Patent be adjudged to be void.

Scire facias may issue.

Certificate of judgment voiding patent to be entered in Patent Office.

30. A certificate of the judgment voiding any Patent shall, at the request of any person or party filing it to be of record in the Patent Office, be entered on the margin of the enrolment of the Patent in the Office of the Commissioner, and the Patent shall thereupon be and be held to have been void and of no effect, unless and until the judgment be reversed on appeal as hereinafter provided.

Judgment to be subject to appeal.

31. The judgment declaring any Patent void shall be subject to appeal to any Court of Appeal having appellate jurisdiction in other cases over the Court by which the same was rendered.

PATENTS ISSUED UNDER FORMER LAWS.

Existing Provincial patents to remain in force.

32. All patents issued under any Act of the Legislature of the late Province of Canada, or of Nova Scotia or of New Brunswick, and all Patents issued for the Provinces of Ontario and Quebec under the Act of the late Province of Canada, to the date of the coming into operation of the present Act, shall remain in force for the same term, and for the same extent of territory, as if the Act under which they were issued had not been repealed, but subject to the provisions of this Act in so far as applicable to them:

Extension to other Provinces in certain cases.

2. And it shall be lawful for the Commissioner, upon the application of the patentee named in any such patent, being the inventor or discoverer of the subject matter of the patent and a British subject, or a resident in any Province of Canada for upwards of a year, if the subject matter of the patent has not been known or used

used nor with the consent of the patentee on sale in any of the other Provinces of the Dominion, to issue on payment of the proper fees in that behalf a patent under this Act extending such Provincial patent over the whole of the Dominion, subject to the provisions of the seventeenth section; but no patent so issued shall extend beyond the remainder of the term mentioned in the Provincial Patent.

33. All the records of the Patent Offices of the late Province of Canada, and of the Provinces of Ontario and Quebec, of Nova Scotia and New Brunswick, shall be handed over by the officers in charge of them to the Commissioner of Patents of invention or discovery to form part of the records of the Patent Office for the purposes of this Act. **Records of Provincial patent offices to be handed over to Commissioner.**

TARIFF OF FEES.

34. The following fees shall be payable to the Commissioner before an application for any of the purposes hereinafter mentioned shall be entertained, that is to say: **Tariff of fees.**

On petition for a patent for five years..................	$20 00
On petition for extension from five to ten years.......	20 00
On petition for extension from ten to fifteen years	20 00
On lodging a caveat......................................	5 00
On asking to register a judgment, *pro tanto*.........	4 00
On asking to register an assignment.....................	2 00
On asking to attach a disclaimer to a patent.........	4 00
On asking for a copy of patent with specification...	4 00
On petition to re-issue a patent after surrender, and on petition to extend a former patent to the Dominion, the fee shall be at the rate of............ for every unexpired year of duration of such patent.	4 00
On office copies of documents, not above mentioned, the following charges shall be exacted:	
For every single or first folio of certified copy......	0 50
For every subsequent hundred words (fractions from and under fifty being not counted, and over fifty being counted for one hundred........................	0 25

35. For every copy of drawings the party applying shall pay such sum as the Commissioner considers a fair remuneration for time and labour expended thereon by any officer of the department or person employed to perform such service. **For copies of drawings.**

36.

Fees to be in full for all services.

36. The said fee shall be in full of all services performed under this Act, in any such case by the Commissioner or any person employed in the patent office.

Fees to be paid over to Receiver General.

37. All fees received under this Act shall be paid over to the Receiver General and form part of the Consolidated Revenue Fund of Canada, except such sums as may be paid for copies of drawing when made by persons not receiving salaries in the patent office.

Return of fees, in certain cases only.

38. No fee shall be made the subject of exemption in favor of any person; and no fee, once paid, shall be returned to the person who paid it, except—

1. When the invention is not susceptible of being patented;

2. When the petition for a patent is withdrawn and in every such case the Commissioner may return one half of the fee paid;

And in the case of withdrawal a fresh application shall be necessary to revive the claim, as if no proceeding had taken place in the matter.

MISCELLANEOUS PROVISIONS.

Intending applicant for patent may file a *caveat*.

39. An intending applicant for a Patent who has not yet perfected his invention or discovery and is in fear of being despoiled of his idea, may file in the Patent Office a description of his invention or discovery so far, with or without plans, at his own will; and the Commissioner, on reception of the fee hereinbefore prescribed, shall cause the said Document to be preserved in secrecy, with the exception of delivering copies of the same whenever required by the said party or by any judicial tribunal—the secrecy of the document to cease when he obtains a Patent for his invention or discovery; and such document shall be called a *caveat*; provided always that if application shall be made by any other person for a patent for any invention or discovery with which such *caveat* may in any respect interfere, it shall be the duty of the Commissioner forthwith to give notice by mail to the person who has filed such *caveat*, and such person shall within three months after the date of mailing the notice, if he would avail himself of the *caveat*, file his petition and take the other steps necessary on an application for patent; and if in the opinion of the Commissioner the applications are interfering, like proceedings may be had in all respects as are by this Act provided in the case of interfering applications; Provided further that unless the person filing any *caveat* shall within four years from the filing thereof have made application for a patent, the *caveat* shall be void.

Commissioner may object to grant a patent in certain cases.

40. The Commissioner may object to grant a Patent in the following cases:

1

1. When he is of opinion that the alleged invention or discovery is not patentable in law;

2. When it appears that the invention or discovery is already in the possession of the public with the consent or allowance of the inventor;

3. When it appears that the invention or discovery has been described in a book or other printed publication before the date of the application; or otherwise in the possession of the public;

4. When it appears that the invention or discovery has already been patented except, however, when the case is one within the seventh section of this Act; or one in which the Commissioner has doubts as to whether the patentee or the applicant is the first inventor or discoverer.

41. Whenever the Commissioner objects to grant a patent as aforesaid, he shall notify the applicant to that effect and shall state the ground or reason therefor with sufficient detail to enable the applicant to answer, if he can, the objection of the Commissioner. **Commissioner to notify applicant and state ground of objection.**

42. Every applicant who has failed to obtain a Patent by reason of the objection of the Commissioner as aforesaid, may at any time within six months after notice thereof has been addressed to him or his agent, appeal from the decision of the Commissioner to the Governor in Council. **Applicant may appeal to Governor in Council.**

43. In cases of interfering applications for any Patent, the same shall be submitted to the arbitration of three skilled persons, one of whom shall be chosen by each of the applicants, and the third person shall be chosen by the Commissioner, or by his Deputy or the person appointed to perform the duty of that Office;—And the decision or award of such Arbitrators, or any two of them, delivered to the Commissioner in writing, and subscribed by them, or any two of them, shall be final as far as respects the granting of the Patent: **Arbitration in case of more than one applicant.**

2. If either of the applicants refuses or fails to choose an Arbitrator, when required so to do by the Commissioner, the Patent shall issue to the opposite party; And when there are more than two interfering applicants, and the parties applying do not all unite in appointing three Arbitrators, the Commissioner or his Deputy, or person appointed to perform the duty of that office, may appoint the three Arbitrators for the purposes aforesaid. **The same; appointment of arbitrators.**

44. All specifications, drawings, models, disclaimers, judgments and other papers, except *caveats*, shall be open to the inspection of the public at the Patent Office, under such regulations as may be adopted in that behalf. **Documents to be open to inspection.**

Clerical errors not to invalidate.

45. Clerical errors happening in the framing or copying of any instrument of the Patent Office, shall not be construed as invalidating the same, but when discovered they may be corrected under the authority of the Commissioner.

Lost or destroyed patent may be replaced.

46. In case any Letters Patent shall be destroyed or lost, others of the like tenor, date and effect may be issued in lieu thereof, on the party paying the fees hereinbefore prescribed for office copies of documents.

Use of patented inventions in foreign ships.

47. No Letters Patent shall extend to prevent the use of any invention or discovery in any foreign ship or vessel, where such invention or discovery is not so used for the manufacture of any goods to be vended within or exported from Canada.

Patent not to affect previous purchaser of invention.

48. Every person who before the issuing of a Patent has purchased, constructed or acquired any invention or discovery for which a Patent has been obtained under this Act, shall have the right of using and vending to others, the specific art, machine, manufacture or composition of matter patented, so purchased, constructed or acquired before the issue of the Patent therefor, without being liable to the Patentee or his representatives for so doing; but the Patent shall not be held invalid as regards other persons by reason of such purchase, construction or acquisition or use of the invention or discovery by the person first aforesaid, or by those to whom he may have sold the same, unless the same was purchased, constructed or acquired or used for a longer period than one year before the application for a patent therefor.

Patented articles to be stamped.

49. Every Patentee under this Act, shall stamp, or engrave on each patented article sold or offered for sale by him, the year of the date of the Patent applying to such article, thus; "Patented 1869,"—or as the case may be; and any such patentee selling or offering for sale any such Patented article not so marked, shall be liable to the punishment of a fine not to exceed one hundred dollars, and, in default of the payment of such fine, to imprisonment not to exceed two months.

Persons counterfeiting such stamps, &c., to be guilty of a misdemeanor.

50. Whosoever writes, paints, prints, moulds, casts, carves, engraves, stamps or otherwise marks upon any thing made or sold by him, and for the sole making or selling of which he is not the Patentee, the name or any imitation of the name of any Patentee for the sole making or selling of such thing, without the consent of such Patentee—or without the consent of the Patentee writes, paints, prints, moulds, casts, carves, engraves, stamps, or otherwise marks upon any thing not purchased from the Patentee, the words, "Patent," "Letters Patent," "Queen's Patent," Patented," or any word or words of like import, with the intent of counterfeiting or imitating the stamp, mark or device of the Patentee, or of deceiving the public and inducing them to believe that the thing in question was made or sold by or with the consent ot the Patentee,—shall be deemed to have committed a misdemeanor, and

and shall on conviction be punished therefor by fine or by imprisonment or both, in the discretion of the Court before which the conviction shall be had; but the fine shall not exceed two hundred dollars, nor shall the imprisonment exceed three months. **Punishment.**

51. Any person wilfully making or causing to be made any false entry in any register or book, or any false or altered copy of any document relating to the purposes of this Act, or who shall produce or tender any such false or altered document knowing the same to be such, shall be guilty of a misdemeanor, and shall be punished by fine and imprisonment accordingly. **Making a false entry or copy to be a misdemeanor.**

52. Chapter thirty-four of the Consolidated Statutes of the late Province of Canada, respecting Patents for Inventions—Chapter one hundred and seventeen of the Revised Statutes of Nova Scotia, (third series),—Chapter one hundred and eighteen of the Revised Statutes of New Brunswick,—and any Act amending any of the said Chapters, or any other Act, are hereby repealed, in so far as they or any of them may be inconsistent with this Act, or make any provision in any matter provided for by this Act, except only as respects all rights acquired and penalties or liabilities incurred under the said laws or any of them, before the coming into force of this Act. **Acts repealed.**

53. When citing this Act it shall be sufficient to call it "The Patent Act of 1869." **Short title.**

54. This Act shall commence and take effect on the first day of July, 1869. **Commencement of Act.**

CAP. XII.

The Canada Joint Stock Companies Clauses Act.

[*Assented to 22nd June*, 1869.]

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows: **Preamble.**

1. This Act may be cited as the "Canada Joint Stock Companies Clauses Act, 1869." **Citing title.**

2. The following words and expressions, both in this and the Special Act, shall have the meanings hereby assigned to them, unless there is something in the subject or context repugnant to such construction, that is to say: **Interpretation clause.**

1. The expression "the Special Act," used in this Act, shall be construed to mean any Act incorporating a Company to which this Act applies, and with which this Act is incorporated, as hereinafter provided,—and also all Acts amending such Act; **Special Act.**

2.

Company.

2. The expression "the Company" shall mean the Company incorporated by the Special Act;

Undertaking.

3. The expression "the undertaking" shall mean the whole of the works and business of whatever kind, which the Company is authorized to undertake and carry on;

Real estate,—Land.

4. The expression "Real Estate" or "Land" shall include all Real Estate, messuages, lands, tenements and hereditaments of any tenure;

Shareholders.

5. The word "Shareholder" shall mean every subscriber to or holder of Stock in the Company, and shall extend to and include the personal representatives of the Shareholder.

Application of this Act, and to what Companies.

3. The provisions of this Act shall apply to every Joint Stock Company hereafter to be incorporated by any Special Act of the Parliament of Canada, for any of the purposes or objects to which the legislative authority of the Parliament of Canada extends, except Companies for the construction and working of Railways, or the business of Banking and the issue of paper money, or Insurance, and shall, so far as they are applicable to the undertaking, and are not expressly varied or excepted by the Special Act, be incorporated with it, and form part thereof, and shall be construed therewith as forming one Act.

How clauses of this Act may be excepted from applying to any Special Act.

4. For the purpose of excepting from incorporation with the Special Act, any of the provisions of this Act, it shall be sufficient in the Special Act to enact that the sections or sub-sections of this Act proposed to be excepted (referring to them by the numbers they may bear), shall not be incorporated with such Act, and the Special Act shall thereupon be construed accordingly.

General corporate powers of Companies.

5. Every Company incorporated under any Special Act, shall be a body corporate under the name declared in the Special Act, and may acquire, hold, alienate and convey any real estate necessary or requisite for the carrying on of the undertaking of such Company, and shall be invested with all the powers, privileges and immunities necessary to carry into effect the intentions and objects of this Act and of the Special Act, and which are incident to such corporation, or expressed or included in the Interpretation Act.

Powers to be subject to this Act, unless excepted.

6. All powers given by the Special Act to the Company shall be exercised, subject to the provisions and restrictions contained in this Act, except such only as are by the Special Act expressly excepted from incorporation with it.

Directors.

7. The affairs of the Company shall be managed by a Board of not less than three, nor more than nine Directors.

8,

8. The persons named as such, in the Special Act, shall be the Directors of the Company, until replaced by others duly named in their stead. Provisional Directors.

9. No person shall be elected or named as a Director thereafter, unless he is a Shareholder, owning stock absolutely in his own right, and not in arrear in respect of any call thereon; and the major part of the after Directors of the Company shall, at all times, be persons resident in Canada, and subjects of Her Majesty by birth or naturalization. Qualification of Directors thereafter appointed.

10. The after Directors of the Company shall be elected by the Shareholders, in general meeting of the Company assembled, at such times, in such wise, and for such term, not exceeding two years, as the Special Act, or (in default thereof) the By-laws of the Company may prescribe. Election of Directors; term of office.

11. In default only of other express provisions in such behalf, by the Special Act or By-laws of the Company:—

1. Such election shall take place yearly, all the members of the Board retiring, and (if otherwise qualified) being eligible for re-election; Provisions respecting elections.

2. Notice of the time and place for holding general meetings of the Company shall be given at least ten days previously thereto, in some newspaper published at or as near as may be to the place in which the office or chief place of business of the Company is situated; Notice of General meetings.

3. At all general meetings of the Company, every Shareholder shall be entitled to as many votes as he owns shares in the Company, and may vote by proxy; Votes.

4. Elections of Directors shall be by ballot; Ballot.

5. Vacancies occurring in the Board of Directors may be filled for the unexpired remainder of the term, by the Board, from among the qualified Shareholders of the Company; Vacancies.

6. The Directors shall, from time to time, elect from among themselves a President of the Company; and shall also name, and may remove at pleasure, all other officers thereof. President and officers.

12. If at any time an election of Directors be not made or do not take effect at the proper time, the Company shall not be held to be thereby dissolved; but such election may take place at any general meeting of the Company duly called for that purpose; and the retiring Directors shall continue in office until their successors are elected. Failure to complete election, how remedied.

13.

Powers of Directors.

13. The Directors of the Company shall have full power in all things to administer the affairs of the Company, and may make or cause to be made for the Company, any description of contract which the Company may by law enter into; and may, from time to time, make By-laws not contrary to law, nor to the Special Act, nor to this Act, to regulate the allotment of stock, the making of calls thereon, the payment thereof, the issue and registration of certificates of stock, the forfeiture of stock for non-payment, the disposal of forfeited stock and of the proceeds thereof, the transfer of stock, the declaration and payment of dividends, the number of the Directors, their term of service, the amount of their stock qualification, the appointment, functions, duties and removal of all agents, officers and servants of the Company, the security to be given by them to the Company, their remuneration and that (if any) of the Directors, the time at which and place where the Annual Meetings of the Company shall be held, the calling of meetings, regular and special, of the Board of Directors and of the Company, the quorum, the requirements as to proxies, and the procedure in all things at such meetings, the imposition and recovery of all penalties and forfeitures admitting of regulation by By-law, and the conduct in all other particulars of the affairs of the Company; and may, from time to time, repeal, amend or re-enact the same; but every such By-law and every repeal, amendment or re-enactment thereof, unless in the meantime confirmed at a General Meeting of the Company, duly called for that purpose, shall only have force until the next Annual Meeting of the Company, and in default of confirmation thereat, shall, at and from that time only, cease to have force; Provided always, that one-fourth part in value of the Shareholders of the Company shall at all times have the right to call a special meeting thereof, for the transaction of any business specified in such written requisition and notice as they may issue to that effect.

By-laws as to stock.

Officers.

Meetings.

Fines.

Altering by-laws.

Proviso: Confirmation of by-laws.

Evidence of by-laws.

14. A copy of any By-law of the Company, under their seal, and purporting to be signed by any Officer of the Company, shall be received as *primâ facie* evidence of such By-law in all Courts of Law or Equity in Canada.

Stock to be personal estate.

15. The stock of the Company shall be deemed personal estate, and shall be transferable, in such manner only, and subject to all such conditions and restrictions as by this Act, or by the Special Act or By-laws of the Company, shall be prescribed.

Allotment of stock.

16. If the Special Act makes no other definite provision, the stock thereof shall be allotted, when and as the Directors, by By-law or otherwise, may ordain.

Instalments thereon: how called in, &c.

17. The Directors of the Company may call in and demand from the Shareholders thereof, respectively, all sums of money by them subscribed, at such times and places and in such payments or instalments, as the Special Act or as this Act may require or allow; and interest shall accrue and fall due, at the rate of six per

per centum per annum, upon the amount of any unpaid call, from the day appointed for payment of such call.

Calls of Ten per cent. at least, to be made annually until paid in full.

18. Not less than ten per centum upon the allotted stock of the Company shall by means of one or more calls, be called in and made payable within one year from the incorporation of the Company; and for every year thereafter, at least a further ten per centum shall in like manner be called in and made payable, until the whole shall have been so called in.

Payment of calls, enforcement of by action.

19. The Company may enforce payment of all calls and interest thereon, by action in any competent Court; and in such action it shall not be necessary to set forth the special matter, but it shall be sufficient to declare that the defendant is a holder of one share or more, stating the number of shares and is indebted in the sum of money to which the calls in arrear amount, in respect of one call or more upon one share or more, stating the number of calls and the amount of each, whereby an action hath accrued to the Company under this Act; and a certificate under their seal, and purporting to be signed by any Officer of the Company, to the effect that the defendant is a Shareholder, that such call or calls has or have been made, and that so much is due by him and unpaid thereon, shall be received in all Courts of Law and Equity as *primâ facie* evidence to that effect.

Or by forfeiture of shares.

20. If, after such demand or notice as by the Special Act or By-laws of the Company may be prescribed, any call made upon any share or shares be not paid within such time as by such Special Act or By-laws may be limited in that behalf, the Directors, in their discretion, by vote to that effect, reciting the facts, and duly recorded in their minutes, may summarily forfeit any shares whereon such payment is not made; and the same shall thereupon become the property of the Company, and may be disposed of as by By-laws or otherwise they shall ordain.

Restriction as to transfer.

21. No share shall be transferable, until all previous calls thereon have been fully paid in, or until declared forfeited for non-payment of calls thereon.

Shareholders in arrears.

22. No Shareholder being in arrear in respect of any call, shall be entitled to vote at any meeting of the Company.

Stock Book to be kept: its contents.

23. The Company shall cause a book or books to be kept by the Secretary, or by some other Officer especially charged with that duty, wherein shall be kept recorded—

1. The names, alphabetically arranged, of all persons who are or have been Shareholders;

2. The address and calling of every such person, while such Shareholder;

3.

3. The number of shares of stock held by each Shareholder;

4. The amounts paid in, and remaining unpaid, respectively, on the stock of each Shareholder;

5. All transfers of stock, in their order as presented to the Company for entry, with the date and other particulars of each transfer, and the date of the entry thereof; and—

6. The names, addresses, and calling, of all persons who are or have been Directors of the Company, with the several dates at which each became or ceased to be such Director.

Powers and liability of Directors as regards transfers in certain cases.

24. The Directors may refuse or allow the entry into any such book, of any transfer of stock whereof the whole amount has not been paid in; and whenever entry is made into such book, of any transfer of stock not fully paid in, to a person not being of apparently sufficient means, the Directors, jointly and severally, shall be liable to the creditors of the Company, in the same manner and to the same extent as the transferring Shareholder, but for such entry, would have been; but if any Director present when such entry is allowed do forthwith, or if any Director then absent, do within twenty-four hours after he shall have become aware thereof and able so to do, enter on the minute book of the Board of Directors, his protest against the same, and do within eight days thereafter publish such protest in at least one newspaper published at, or as near as may be possible to the place in which the office or chief place of business of the Company is situated, such Director may thereby, and not otherwise, exonerate himself from such liability.

Transfers valid only after entry.

25. No transfer of stock unless made by sale under execution, shall be valid for any purpose whatever, save only as exhibiting the rights of the parties thereto towards each other, and as rendering the transferee liable *ad interim* jointly and severally with the transferrer, to the Company and their creditors, until the entry thereof has been duly made in such book or books.

Stock-book to be open for inspection.

26. Such books shall, during reasonable business hours of every day, except Sundays and holidays, be kept open for the inspection of Shareholders and creditors of the Company, and their personal representatives, at the office or chief place of business of the Company; and every such Shareholder, creditor or representative may make extracts therefrom.

Books to be *primâ facie* evidence.

27. Such books shall be *primâ facie* evidence of all facts purporting to be thereby stated, in any suit or proceeding against the Company or against any Shareholder.

Penalty for false entries.

28. Every Director, officer or servant of the Company, who knowingly makes or assists to make any untrue entry in any such book, or who refuses or neglects to make any proper entry therein

therein, or to exhibit the same, or to allow the same to be inspected and extracts to be taken therefrom, is guilty of a misdemeanor, and being convicted thereof, shall be punished accordingly.

29. Every Company neglecting to keep such book or books open for inspection as aforesaid, shall forfeit its corporate rights. **Neglect to keep books open.**

30. The Company shall not be bound to see to the execution of any trust, whether express, implied or constructive, in respect of any share; and the receipt of the Shareholder in whose name the same may stand in the books of the Company, shall be a valid and binding discharge to the Company for any dividend or money payable in respect of such share, and whether or not notice of such trust shall have been given to the Company; and the Company shall not be bound to see to the application of the money paid upon such receipt. **Company not liable in respect of trusts, &c.**

31. Every contract, agreement, engagement or bargain made, and every bill of exchange drawn, accepted or endorsed, and every promissory note and cheque made, drawn or endorsed on behalf of the Company, by any agent, officer or servant of the Company, in general accordance with his powers as such under the By-laws of the Company shall be binding upon the Company; and in no case shall it be necessary to have the seal of the Company affixed to any such contract, agreement, engagement, bargain, bill of exchange, promissory note or cheque, or to prove that the same was made, drawn, accepted or endorsed, as the case may be, in pursuance of any By-law, or special vote or order; nor shall the party so acting as agent, officer or servant of the Company, be thereby subjected individually to any liability whatsoever to any third party, therefor; provided always, that nothing in this Act shall be construed to authorize the Company to issue any note payable to the bearer thereof, or any promissory note intended to be circulated as money, or as the note of a Bank, or to engage in the business of banking or insurance. **Contracts, &c., when binding on company.** **Non-liability of their servants.** **Proviso.**

32. No Company shall use any of its funds in the purchase of stock in any other Corporation, unless in so far as such purchase may be specially authorized by the Special Act, and also by the Act creating such other Corporation. **Company not to purchase stock in other corporations.**

33. Each Shareholder, until the whole amount of his stock has been paid up, shall be individually liable to the creditors of the Company, to an amount equal to that not paid up thereon; but shall not be liable to an action therefor by any creditor, before an execution against the Company has been returned unsatisfied in whole or in part; and the amount due on such execution shall be the amount recoverable with costs, against such Shareholders. **Liability of shareholders.**

34. The Shareholders of the Company shall not as such be held responsible for any act, default or liability whatsoever, of **Limited to amount of stock.**

the Company or for any engagement, claim, payment, loss, injury, transaction, matter or thing whatsoever, relating to or connected with the Company, beyond the amount of their respective shares in the capital stock thereof.

Trustees, &c., not personally liable.

35. No person holding Stock in the Company as an executor, administrator, tutor, curator, guardian or trustee, shall be personally subject to liability as a Shareholder, but the estates and funds in the hands of such person, shall be liable in like manner, and to the same extent, as the testator or intestate, or the minor, ward or interdicted person, or the person interested in such trust fund, would be, if living and competent to act, and holding such stock in his own name; and no person holding such stock as collateral security, shall be personally subject to such liability, but the person pledging such stock shall be considered as holding the same, and shall be liable as a Shareholder accordingly.

Trustees, &c., may vote as shareholders.

36. Every such executor, administrator, tutor, curator, guardian or trustee, shall represent the stock in his hands, at all meetings of the Company, and may vote accordingly as a Shareholder; and every person who pledges his stock may nevertheless represent the same at all such meetings, and may vote accordingly as a Shareholder.

Liability of Directors declaring any dividend when the Company is insolvent.

How it may be avoided.

37. If the Directors of the Company declare and pay any dividend when the Company is insolvent, or any dividend the payment of which renders the Company insolvent, or diminishes the capital stock thereof, they shall be jointly and severally liable, as well to the Company as to the individual Shareholders and creditors thereof, for all the debts of the Company then existing, and for all thereafter contracted during their continuance in office, respectively; but if any Director present when such dividend is declared do forthwith, or if any Director then absent do within twenty-four hours after he shall have become aware thereof and able so to do, enter on the minutes of the Board of Directors his protest against the same, and within eight days thereafter publish such protest in at least one newspaper published at, or as near as may be possible to the place in which the office or chief place of business of the Company is situated, such Director may thereby, and not otherwise, exonerate himself from such liability.

No loans by Company to Shareholders.

Directors liable.

38. No Loan shall be made by the Company to any Shareholder, and if such be made, all Directors and other officers of the Company making the same, or in anywise assenting thereto, shall be jointly and severally liable to the Company for the amount of such loan, and also to third parties, to the extent of such loan, with legal interest, for all debts of the Company contracted from the time of the making of such loan to that of the repayment thereof.

39.

39. The Directors of the Company shall be jointly and severally liable upon any and every written contract or undertaking of the Company on the face whereof the word "Limited" or the words "Limited Liability" are not distinctly written or printed after the name of the Company where first occurring in such Contractor's undertaking. Contracts must be so made as to show limited liability.

40. The Directors of the Company shall be jointly and severally liable to the laborers, servants and apprentices thereof, for all debts, not exceeding one year's wages, due for service performed for the Company whilst they are such Directors respectively; but no Director shall be liable to an action therefor, unless the Company has been sued therefor within one year after the debt became due, nor yet unless such Director is sued therefor within one year from the time when he ceased to be such Director, nor yet before an execution against the Company has been returned unsatisfied in whole or in part; and the amount due on such execution shall be the amount recoverable with costs against the Directors. Liability of Directors for wages, &c. Proviso.

41. Service of all manner of summons or writ whatever upon the Company, may be made by leaving a copy thereof at the office or chief place of business of the Company, with any grown person in charge thereof, or elsewhere with the President or Secretary thereof; or if the Company have no known office or chief place of business, and have no known President or Secretary, then, upon return to that effect duly made, the Court shall order such publication as it may deem requisite to be made in the premises, for at least one month, in at least one newspaper; and such publication shall be held to be due service upon the Company. Service of process on Company.

42. Any description of Action may be prosecuted and maintained between the Company and any Shareholder thereof; and no Shareholder, not being himself a party to such suit shall be incompetent as a witness therein. Actions between Company and Shareholders.

43. The Company shall be subject to such further and other provisions as Parliament may hereafter deem expedient. Future legislation.

44. The Company shall be subject to the provisions of any general Act of this or any future session, for the winding up of Joint Stock Companies. Winding up Acts to apply.

CAP. XIII.

An Act respecting Joint Stock Companies incorporated by Letters Patent.

[*Assented to 22nd June*, 1869.]

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows: Preamble.

1.

Short title.

1. This Act may be cited as the "Canada Joint Stock Companies Letters Patent Act, 1869."

Interpretation of the words:

2. The following expressions, in this Act, and in all letters patent and supplementary letters patent issued under the same, shall have the meaning hereby assigned to them, unless there is something in the subject or context repugnant to such construction, that is to say:

"The letters patent;"

1. The expression "the letters patent" means the letters patent incorporating a Company for any purpose contemplated by this Act;

"The supplementary letters patent;"

2. The expression "the supplementary letters patent" means any letters patent granted for the increasing or reducing of the capital stock of such Company;

"The company;"

3. The expression "the Company" means the Company so incorporated by letters patent;

"The undertaking;"

4. The expression "the undertaking" means the whole of the works and business of every kind, which the Company is authorized to carry on;

"Real estate," "Land;"

5. The expression "real estate" or "land" includes all immoveable real property of every kind;

"Shareholder;"

6. The expression "Shareholder" means every subscriber to or holder of stock in the Company, and extends to and includes the personal representatives of the shareholder.

Companies formed for certain purposes may be incorporated by letters-patent.

3. The Governor in Council may, by letters patent under the great seal, grant a charter to any number of persons, not less than five, who shall petition therefor, constituting such persons and others who may become shareholders in the company thereby created, a body corporate and politic, for any purposes or objects to which the Legislative authority of the Parliament of Canada extends, except the construction and working of Railways, or the business of Banking and the issue of paper money, or Insurance.

Notice to be given in the Canada Gazette, and what it shall contain.

4. The applicants for such letters patent must give at least one month's previous notice in the *Canada Gazette*, of their intention to apply for the same, stating therein:

1. The proposed corporate name of the Company, which shall not be that of any other known company incorporated or unincorporated, or any name liable to be unfairly confounded therewith, or otherwise on public grounds objectionable;

2. The object for which its incorporation is sought;

3.

3. The place or places within the Dominion of Canada, where its operations are to be carried on, with special mention if there be two or more such places, of some one of them as its chief place of business;

4. The amount of its capital stock;

5. The number of shares and amount of each share;

6. The names in full and the address and calling of each of the applicants, with special mention of the names of not less than three nor more than nine of their number, who are to be the first directors of the Company, and the major part of whom must be resident in Canada, and subjects of Her Majesty by birth or naturalization.

Names of applicants and first Directors.

5. At any time, not more than one month after the last publication of such notice, the applicants may petition the Governor General, through the Secretary of State of Canada, for the issue of such letters patent:

Petition for letters-patent.

2. Such petition must recite the facts set forth in the notice, and must further state the amount of stock taken by each applicant, and also the amount paid in upon the stock of each applicant, and the manner in which the same has been paid in, and is held for the Company;

What it shall contain: amount of stock taken, &c.

3. The aggregate of the stock so taken must be at least the one half of the total amount of stock of the Company;

A certain amount must be taken.

4. The aggregate so paid in thereon must be at least ten per cent thereof, or five per cent of the total capital; unless such total exceed five hundred thousand dollars, in which case the aggregate paid in upon the excess over five hundred thousand dollars must be at least two per cent thereof;

And a certain amount paid up thereon.

5. Such aggregate must have been paid in to the credit of the Company, or of trustees therefor, and must be standing at such credit, in some chartered bank or banks in Canada, unless the object of the Company is one requiring that it should own real estate, in which case, not more than one half of such aggregate may be taken as being paid in if *bonâ fide* invested in real estate suitable to such object duly held by trustees for the Company, and being fully of the required value over and above all incumbrances thereon;

Disposal of amount paid in.

6. The petition may ask for the embodying in the letters patent, of any provision which otherwise under this Act might be embodied in any by-law of the Company when incorporated.

Provisions required to be embodied.

6.

Preliminary conditions, to be established.

6. Before the letters patent are issued, the applicants must establish to the satisfaction of the Secretary of State, or of such other officer as may be charged by order of the Governor General in Council to report thereon the sufficiency of their notice and petition, the truth and sufficiency of the facts therein set forth—and further that the applicants, and more especially the provisional directors named, are persons of sufficient reputed means to warrant the application:

Proof thereof.

2. And to that end, the Secretary of State, or such other officer, may take and keep of record any requisite evidence in writing under oath or affirmation, and may administer every requisite oath or affirmation.

Facts to be recited in letters-patent.

7. The letters patent shall recite all the material averments of the notice and petition as so established.

Notice of issuing letters-patent.

8. Notice of the granting of the letters patent shall be forthwith given by the Secretary of State, in the *Canada Gazette*, in the form of the schedule A appended to this Act; and thereupon, from the date of the letters patent, the persons therein named and their suceessors shall be a body corporate and politic by the name mentioned therein.

General corporate powers of such companies.

9. Every Company so incorporated may acquire, hold, alienate and convey, any real estate, requisite for the carrying on of the undertaking of such Company, and shall forthwith become and be invested with all rights, real and personal, heretofore held by or for it under any trust created with a view to its incorporation, and with all the powers, privileges and immunities requisite to the carrying on of its undertaking, as though incorporated by a special Act of Parliament, or making it by that name a body politic and corporate, and embodying all the provisions of this Act and of the letters patent.

Increase of capital.

10. The Directors of the Company, if they see fit at any time, after the whole capital stock of the Company shall have been allotted and paid in, but not sooner, may make a by-law for increasing the capital stock of the Company to any amount which they may consider requisite in order to the due carrying out of the objects of the Company:

By-law for that purpose.

2. Such by-law shall declare the number and value of the shares of the new stock; and may prescribe the manner in which the same shall be allotted; and in default of its so doing, the control of such allotment shall be held to vest absolutely in the Directors.

Reduction of capital.

11. The Directors of the Company, if they see fit at any time, may make a by-law for decreasing the capital stock of the Company to any amount which they may consider sufficient in order to the due carrying out of the undertaking of the Company, and advisable:

2.

2. Such by-law shall declare the number and value of the shares of the stock as so decreased; and the allotment thereof, or the rule or rules by which the same shall be made. By-law for that purpose.

12. But no by-law for increasing or decreasing the capital stock of the Company shall have any force or effect whatever, until after it shall have been sanctioned by a vote of not less than two-thirds in value of the shareholders at a general meeting of the Company duly called for considering the same—and afterwards confirmed by supplementary letters patent. Such by-laws must be approved by shareholders and confirmed by supplementary letters patent.

13. At any time, not more than six months after such sanction of such by-law, the Directors may petition the Governor, through the Secretary of State, for the issue of supplementary letters patent to confirm the same: Petition for supplementary letters patent.

2. With such petition they must produce such by-law, and establish to the satisfaction of the Secretary of State, or of such other officer as may be charged by order of the Governor in Council, to report thereon, the due passage and sanction of such by-law, and the *bonâ fide* character of the increase or decrease of capital thereby provided for; By-law, &c., to be produced with petition.

3. And to that end the Secretary of State or such officer may take and keep of record any requisite evidence in writing under oath or affirmation, and may administer every requisite oath or affirmation. Powers of officer charged to report on petition.

14. Upon due proof so made, the Governor in Council may grant such supplementary letters patent under the great seal; and notice thereof shall be forthwith given by the Secretary of State in the *Canada Gazette*, in the form of the schedule B appended to this Act; and thereupon, from the date of the supplementary letters patent, the capital stock of the Company shall be and remain increased, or decreased, as the case may be, to the amount, in the manner, and subject to the conditions set forth by such by-law; and the whole of the stock, as so increased or decreased, shall become subject to the provisions of this Act, in like manner (so far as may be) as though every part thereof had formed part of the stock of the Company originally subscribed. Granting of supplementary letters patent. —Notice,— effect of such letters patent.

15. All powers given to the Company by the letters patent and supplementary letters patent granted in its behalf, shall be exercised subject to the provisions and restrictions contained in this Act. Powers of the company to be subject to this Act.

16. The affairs of every such Company shall be managed by a Board, of not less than three, nor more than nine Directors. Board of Directors.

17. The persons named as such, in the letters patent, shall be the Directors of the Company, until replaced by others duly appointed in their stead. Provisional Directors.

18.

Qualifications of Directors.

18. No person shall be elected or appointed as a Director thereafter, unless he is a Shareholder, owning stock absolutely in his own right, and not in arrear in respect of any call thereon; and the major part of the after Directors of the Company shall, further, at all times, be persons resident in Canada, and subjects of Her Majesty by birth or naturalization.

After Directors, to be elected.

19. The after Directors of the Company shall be elected by the Shareholders in general meeting of the Company assembled, at such times, in such wise, and for such term, not exceeding two years, as the letters patent, or (in default thereof) the By-laws of the Company may prescribe.

Mode of Election.

20. In default only of other express provisions in such behalf, by the letters patent or By-laws of the Company,—

1. Such election shall take place yearly, all the members of the Board retiring, and (if otherwise qualified) being eligible for re-election;

2. Notice of the time and place for holding general meetings of the Company shall be given at least ten days previously thereto, in some newspaper published at or as near as may be to the office or chief place of business of the Company;

3. At all general meetings of the Company, every shareholder shall be entitled to as many votes as he owns shares in the Company, and may vote by proxy;

4. Elections of Directors shall be by ballot;

Vacancies.

5. Vacancies occurring in the Board of Directors may be filled for the unexpired remainder of the term, by the Board, from among the qualified Shareholders of the Company;

President.

6. The Directors shall, from time to time, elect from among themselves a President of the Company; and shall also name, and may remove at pleasure, all other officers thereof.

Failure to elect Directors, how remedied.

21. If at any time an election of Directors be not made or do not take effect at the proper time, the Company shall not be held to be thereby dissolved; but such election may take place at any general meeting of the Company duly called for that purpose; and the retiring Directors shall continue in office until their successors are elected.

Powers and duties of Directors.

By-laws.

22. The Directors of the Company shall have full power in all things to administer the affairs of the Company, and may make, or cause to be made, for the Company, any description of contract which the Company may by law enter into; and may, from time to time, make By-laws not contrary to law, nor to the letters patent of the Company, nor to this Act, to regulate the allotment of

of Stock, the making of calls thereon, the payment thereof, the issue and registration of certificates of stock, the forfeiture of stock for non-payment, the disposal of forfeited stock and of the proceeds thereof, the transfer of stock, the declaration and payment of dividends, the number of the Directors, their term of service, the amount of their stock qualification, the appointment, functions, duties and removal of all agents, officers and servants of the Company, the security to be given by them to the Company, their remuneration and that (if any) of the Directors, the time at which and place where the Annual Meetings of the Company shall be held, the calling of meetings, regular and special, of the Board of Directors, and of the Company, the quorum, the requirements as to proxies, and the procedure in all things at such meetings, the imposition and recovery of all penalties and forfeitures admitting of regulation by By-law, and the conduct in all other particulars of the affairs of the Company; and may, from time to time, repeal, amend or re-enact the same; but every such By-law, and every repeal, amendment or re-enactment thereof, unless in the meantime confirmed at a General Meeting of the Company, duly called for that purpose, shall only have force until the next Annual Meeting of the Company, and in default of confirmation thereat, shall, at and from that time only, cease to have force; Provided always that one-fourth part in value of the Shareholders of the Company, shall at all times have the right to call a special meeting thereof, for the transaction of any business specified in such written requisition and notice as they may issue to that effect.

Officers.

Confirmation of by-laws.

Provision for special general meetings.

23. A copy of any by-law of the Company, under their seal, and purporting to be signed by any Officer of the Company, shall be received as *primâ facie* evidence of such By-law in all Courts of law or Equity in Canada.

Evidence of by-laws.

24. The stock of the Company shall be deemed personal estate, and shall be transferable, in such manner only, and subject to all such conditions and restrictions as by this Act, or by the letters patent or By-laws of the Company, are or shall be prescribed.

Stock personal estate.

25. If the letters patent make no other definite provision, the stock of the Company, so far as it is not allotted thereby, shall be allotted when and as the Directors, by By-law or otherwise, may ordain.

Allotment of stock.

26. The Directors of the Company may call in and demand from the Shareholders thereof, respectively, all sums of money by them subscribed, at such times and places, and in such payments or instalments, as the letters patent, or this Act, or the By-laws of the Company may require or allow; and interest shall accrue and fall due, at the rate of six per centum per annum, upon the amount of any unpaid call, from the day appointed for payment of such call.

Calling in instalments.

Calls to a certain amount annually.

27. Not less than ten per centum upon the allotted Stock of the Company shall, by means of one or more calls, be called in and made payable within one year from the incorporation of the Company; and for every year thereafter, at least a further five per centum shall in like manner be called in and made payable, until the whole shall have been so called in.

Enforcement of payment of calls, by action.

28. The Company may enforce payment of all calls and interest thereon, by action in any competent Court; and in such action it shall not be necessary to set forth the special matter, but it shall be sufficient to declare that the defendant is a holder of one share or more, stating the number of shares, and is indebted in the sum of money to which the calls in arrear amount, in respect of one call or more upon one share or more, stating the number of calls and the amount of each, whereby an action hath accrued to the Company under this Act; and a certificate under their seal, and purporting to be signed by any officer of the Company, to the effect that the defendant is a Shareholder, that such call or calls has or have been made, and that so much is due by him and unpaid thereon, shall be received in all Courts of Law and Equity as *primâ facie* evidence to that effect.

By forfeiture of shares.

29. If, after such demand or notice as by the letters patent or By-laws of the Company may be prescribed, any call made upon any share or shares be not paid within such time as by such letters patent or By-laws may be limited in that behalf, the Directors, in their discretion, by vote to that effect, reciting the facts, and duly recorded in their minutes, may summarily forfeit any shares whereon such payment is not made; and the same shall thereupon become the property of the Company, and may be disposed of as by By-laws or otherwise they shall ordain.

Restriction as to transfers.

30. No share shall be transferable, until all previous calls thereon have been fully paid in, or until declared forfeited for non-payment of calls thereon.

Shareholders in arrear.

31. No shareholder being in arrear in respect of any call shall be entitled to vote at any meeting of the Company.

Reference Book to be kept: and what to contain.

32. The Company shall cause a book or books to be kept by the Secretary, or by some other officer especially charged with that duty, wherein shall be kept recorded—

1. A copy of the letters patent incorporating the Company, and of any supplementary letters patent for increasing or decreasing the capital stock thereof, and of all by-laws thereof.

2. The names, alphabetically arranged, of all persons who are or have been shareholders;

3. The address and calling of every such person, while such shareholder;

4.

4. The number of shares of stock held by each shareholder;

5. The amounts paid in, and remaning unpaid, respectively, on the stock of each shareholder;

6. All transfers of stock, in their order as presented to the Company for entry, with the date and other particulars of each transfer, and the date of the entry thereof; and—

7. The names, addresses and calling, of all persons who are or have boen Directors of the Company; with the several dates at which each ever became or ceased to be such Director.

33. The Directors may refuse to allow the entry into any such book, of any transfer of stock whereof the whole amount has not been paid in; and whenever entry is made into such book, of any transfer of stock not fully paid in, to a person not being of apparently sufficient means, the Directors, jointly and severally, shall be liable to the creditors of the Company, in the same manner and to the same extent as the transferring shareholder, but for such entry, would have been; but if any Director present when such entry is allowed do forthwith, or if any Director then absent, do within twenty-four hours after he shall have become aware thereof and able so to do, enter on the minute book of the Board of Directors, his protest against the same, and do within eight days thereafter publish such protest in at least one newspaper published at, or as near as may be possible to, the office or chief place of business of the Company, such Director may thereby, and not otherwise, exonerate himself from such liability. Liabilities of Directors as regards transfers in certain cases.

34. No transfer of stock, unless made by sale under execution, shall be valid for any purpose whatever, save only as exhibiting the rights of the parties thereto towards each other, and as rendering the transferee liable *ad interim* jointly and severally with the transferor, to the Company and their creditors,—until the entry thereof has been duly made in such book or books. Transfer valid only after entry.

35. Such books shall, during reasonable business hours of every day, except Sundays and holidays, be kept open for the inspection of shareholders and creditors of the Company, and their personal representatives, at the office or chief place of business of the Company; and every such shareholder, creditor or representative, may make extracts therefrom. Stock Book to be open for inspection

36. Such books shall be *primâ facie* evidence of all facts purporting to be thereby stated, in any suit or proceeding against the Company or against any shareholder. Books to be *primâ facie* evidence.

37. Every Director, officer or servant of the Company, who knowingly makes or assists to make any untrue entry in any such book, or who refuses or neglects to make any proper entry therein, or to exhibit the same, or to allow the same to be inspected and extracts to be taken therefrom, is guilty of a misdemeanor, and Penalty for false entries.

and being convicted thereof, shall be punished accordingly, and shall also be liable in damages for all loss or injury which any person interested may have sustained thereby.

Neglect to keep books open.

38. Every Company neglecting to keep such book or books open for inspection as aforesaid, shall forfeit its corporate rights.

Company not to be liable in respect of trusts, &c.

39. The Company shall not be bound to see to the execution of any trust, whether express, implied or constructive, in respect of any share; and the receipt of the shareholder in whose name the same may stand in the books of the Company, shall be a valid and binding discharge to the Company for any dividend or money payable in respect of such share, and whether or not notice of such trust has been given to the Company; and the Company shall not be bound to see to the application of the money paid upon such receipt.

Contracts, &c., when to be binding on company.

40. Every contract, agreement, engagement or bargain made, and every bill of exchange drawn, accepted or endorsed, and every promissory note and cheque made, drawn or endorsed on behalf of the Company by any agent, officer or servant of the Company, in general accordance with his powers as such under the by-laws of the Company, shall be binding upon the Company; and in no case shall it be necessary to have the seal of the Company affixed to any such contract, agreement, engagement, bargain, bill of exchange, promissory note or cheque, or to prove that the same was made, drawn, accepted or endorsed, as the case may be, in pursuance of any By-law, or special vote or order; nor shall the party so acting as agent, officer or servant of the Company, be thereby subjected individually to any liability whatsoever to any third party therefor; Provided always, that nothing in this Act shall be construed to authorize the Company to issue any note payable to the bearer thereof, or any promissory note intended to be circulated as money, or as the note of a Bank, or to engage in the business of banking or insurance.

Proviso.

Not to purchase stock in other corporations.

41. No Company shall use any of its funds in the purchase of stock in any other Corporation.

Liability of shareholders.

42. Each Shareholder, until the whole amount of his stock has been paid up, shall be individually liable to the creditors of the Company, to an amount equal to that not paid up thereon, but shall not be liable to an action therefor by any creditor, before an execution against the Company has been returned unsatisfied in whole or in part; and the amount due on such execution, shall be the amount recoverable with costs, against such shareholders.

Limited to amount of stock.

43. The Shareholders of the Company shall not as such be held responsible for any act, default, or liability whatsoever, of the Company, or for any engagement, claim, payment, loss, injury, transaction, matter or thing whatsoever, relating to or connected with

with the Company, beyond the amount of their respective shares in the capital stock thereof.

44. No person holding stock in the Company as an executor, administrator, tutor, curator, guardian or trustee, shall be personally subject to liability as a Shareholder; but the estates and funds in the hands of such person shall be liable in like manner, and to the same extent, as the testator or intestate or the minor, ward or interdicted person, or the person interested in such trust fund, would be, if living and competent to act and holding such stock in his own name; and no person holding such stock as collateral security, shall be personally subject to such liability; but the person pledging such stock shall be considered as holding the same, and shall be liable as a Shareholder accordingly.

Trustees, &c., not personally liable.

45. Every such executor, administrator, tutor, curator, guardian, or trustee, shall represent the stock in his hands, at all meetings of the Company, and may vote accordingly as a Shareholder; and every person who pledges his stock may nevertheless represent the same at all such meetings and may vote accordingly as a Shareholder.

But entitled to vote.

46. If the Directors of the Company declare and pay any dividend when the Company is insolvent, or any dividend the payment of which renders the Company insolvent, or diminishes the capital stock thereof, they shall be jointly and severally liable, as well to the Company as to the individual Shareholders and creditors thereof, for all the debts of the Company then existing, and for all thereafter contracted during their continuance in office, respectively; but if any Director present when such dividend is declared do forthwith, or if any Director then absent do within twenty-four hours after he shall have become aware thereof and able so to do, enter on the minutes of the Board of Directors his protest against the same, and within eight days thereafter publish such protest in at least one newspaper published at, or as near as may be possible to, the office or chief place of business of the Company, such Director may thereby, and not otherwise, exonerate himself from such liability.

Liability of Directors declaring a dividend when Company is insolvent, &c.

How a Director may avoid such liability.

47. No Loan shall be made by the Company to any Shareholder and if such be made, all Directors and other officers of the Company making the same, or in anywise assenting thereto, shall be jointly and severally liable to the Company for the amount of such loan,—and also to third parties, to the extent of such loan, with legal interest,—for all debts of the Company contracted from the time of the making of such loan to that of the repayment thereof.

No loan by Company to shareholders.

48. The Directors of the Company shall be jointly and severally liable upon any and every written contract or undertaking of the Company on the face whereof the word "Limited" or the words "Limited

Limited liability to be expressed on the face of contracts.

"Limited Liability" are not distinctly written or printed after the name of the Company where first occurring in such contract or undertaking.

Liability of Directors for wages.

49. The Directors of the Company shall be jointly and severally liable to the laborers, servants and apprentices thereof, for all debts, not exceeding one year's wages, due for services performed for the Company whilst they are such Directors respectively; but no Director shall be liable to an action therefor, unless the Company has been sued therefor within one year after the debt became due, nor yet unless such Director is sued therefor within one year from the time when he ceased to be such Director, nor yet before an execution against the Company has been returned unsatisfied in whole or in part; and the amount due on such execution shall be the amount recoverable with costs against the Directors.

Service of process on the Company.

50. Service of all manner of summons or writ whatever upon the Company, may be made by leaving a copy thereof at the office or chief place of business of the Company, with any grown person in charge thereof, or elsewhere with the President or Secretary thereof; or if the Company have no known office or chief place of business, and have no known President or Secretary, then, upon return to that effect duly made, the Court shall order such publication as it may deem requisite to be made in the premises, for at least one month, in at least one newspaper; and such publication shall be held to be due service upon the Company.

Actions between Company and shareholders.

51. Any description of action may be prosecuted and maintained between the Company and any Shareholder thereof; and no Shareholder, not being himself a party to such suit, shall be incompetent as a witness therein.

Mode of incorporation, &c., how to be set forth in legal proceedings.

52. In any action or other legal proceeding, it shall not be requisite to set forth the mode of incorporation of the Company, otherwise than by mention of it under its corporate name, as incorporated by virtue of letters patent,—or of letters patent and supplementary letters patent, as the case may be,—under this Act; and the notice in the *Canada Gazette*, of the issue thereof, shall be *primâ facie* proof of all things thereby declared; and on production of the letters patent or supplementary letters patent themselves, or of any exemplification or copy thereof under the great seal, the fact of such notice shall be presumed; and, save only in any proceeding by *scire facias* or otherwise, for direct impeachment thereof, the letters patent or supplementary letters patent themselves, or any exemplification or copy thereof under the great seal, shall be conclusive proof of every matter and thing therein set forth.

Forfeiture of charter for non-user.

53. The charter of the Company shall be forfeited by non-used during three consecutive years at any one time,—or if the Company

Company do not go into actual operation within three years after it is granted; and no declaration of such forfeiture by any Act of Parliament shall be deemed an infringement of such charter.

54. The Company shall be subject to such further and other provisions as Parliament may hereafter deem expedient. Future legislation.

55. The Governor in Council may from time to time establish, alter, and regulate the tariff of the fees to be paid on applications for letters patent and supplementary letters patent under this Act, may designate the department or departments through which the issue thereof shall take place, and may prescribe the forms of proceeding and record in respect thereof, and all other matters requisite for carrying out the objects of this Act: Fees on letters patent, &c., to be fixed by Order in Council.

2. Such fees may be made to vary in amount, under any rule or rules,—as to nature of Company, amount of capital, and otherwise,—that may be deemed expedient;

3. No step shall be taken in any Department towards the issue of any letters patent or supplementary letters patent under this Act, until after the amount of all fees therefor shall have been duly paid.

56. The Act chapter sixty-three of the consolidated statutes of Canada, intituled: "An Act respecting joint stock Companies for manufacturing, mining, mechanical, chemical or other purposes, or for the erection of public hotels or baths and bath-houses, or the opening and using of salt or mineral springs, or for carrying on fishing,"—the Act chapter thirty-one of the statutes of the late Province of Canada passed in the twenty-third year of Her Majesty's reign, and intituled: "An Act respecting the judicial incorporation of Joint Stock Companies for certain purposes,"—and the Act chapter twenty-three of the statutes of the said late Province passed in the session held in the twenty-seventh and twenty-eighth years of Her Majesty's reign, and intituled: "An Act to authorize the granting of charters of incorporation to manufacturing, mining and other companies,"—and all Acts extending or amending the same, or any of them, and sections one to seven both inclusive and sections ten, eleven, twelve and thirteen, of chapter sixty-seven of the Consolidated Statutes of Canada, intituled: "An Act respecting Telegraph Companies,"—are hereby repealed in so far as regards the formation of incorporation hereafter, in virtue of any of the provisions thereof, of any company whatever, the incorporation of which is subject to the control of the Parliament of Canada: Acts repealed. Con. Stat. c. 63. Can. 23 V., c. 31. Can. 27-28 V., c. 23. Part of Con. Stat. Can., c. 67.

2. But every such Company heretofore incorporated by virtue of any of such Acts, shall so remain ,and no provision of such Acts shall Existing Companies to remain.

shall, as touching any such Company, be in anywise affected by this Act;

Pending applications for charters. 3. And every application for the incorporation of any Company, the incorporation of which is subject to the control of the Parliament of Canada,—pending at the time of the passing of this Act under the said Act passed in the twenty-third year of Her Majesty's reign or under the said Act chapter twenty-three of the Acts passed in the session held in the twenty-seventh and twenty-eighth years of Her Majesty's reign,—may be proceeded with, and incorporation by judicial decree or letters patent (as the case may be) may be obtained in virtue thereof, as though this Act had not been passed.

Winding up Acts to apply. **57.** The Company shall be subject to the provisions of any Act of this or any future Session, for the winding up of Joint Stock Companies.

SCHEDULE A.

Public notice is hereby given, that under the Canada Joint Stock Companies Letters Patent Act, 1869, letters patent have been issued under the great seal of the Dominion of Canada bearing date the day of incorporating [*here state names, address and calling, of each corporator named in the letters patent*], for the purpose of [*here state the undertaking of the company, as set forth in the letters patent*], by the name of [*here state name of the company, as in the letters patent*] with a total capital stock of dollars, divided into shares of dollars each.

Dated at the office of the Secretary of State of Canada, this day of

A. B.
Secretary.

SCHEDULE B.

Public notice is hereby given, that under the Canada Joint Stock Companies Letters Patent Act 1869, supplementary letters patent have been this day issued under the great seal of the Dominion of Canada, bearing date the day of whereby the total capital stock of [*here state the name of the Company*] is increased [*or* decreased, *as the case may be*] from dollars to dollars.

Dated at the office of the Secretary of State of Canada, this day of

A. B.

CAP.

CAP. XIV.

An Act to amend chapter sixty-seven of the Consolidated Statutes of Canada, intituled "An Act respecting Electric Telegraph Companies."

[*Assented to 22nd June*, 1869.]

WHEREAS it is expedient to amend chapter sixty-seven of the Consolidated Statutes of Canada, intituled: "An Act respecting Electric Telegraph Companies," so as to enable any Electric Telegraph Company, incorporated under that Act, to alter the route or routes of their lines of Telegraph, when that may be found expedient: Therefore Her Majesty by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows: Preamble.

1. Any Electric Telegraph Company incorporated under the chapter sixty-seven of the Consolidated Statutes of Canada, may, when from physical causes it shall become necessary, diverge from the particular line designated in the certificate mentioned in the said Act; provided always, that the Directors of the said Company shall first under their hands and the seal of the said Company, execute in the form and subject to the like requirements as in the original, an amended certificate designating the deviations to be substituted for any part of the route or routes mentioned in the original certificate; such amended certificate shall be acknowledged before a Notary, and the original or a copy thereof certified by such Notary, shall be filed in the office of the Secretary of State of Canada, and the fifth section of the said Act shall apply to this amended certificate as well as to the original certificate. How and under what circumstances a Company may diverge from its original line.

CAP. XV.

An Act to avoid the necessity of having Documents engrossed on Parchment.

[*Assented to 22nd June*, 1869.]

FOR avoiding the inconvenience and expense attending the engrossing of public documents on parchment: Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows: Preamble.

1. It shall not be necessary that any Commission or other public document under the Great Seal of Canada, or under the Privy Seal of the Governor General, or any Letters Patent of the Dominion, Public documents of the Dominion need not be on parchment.

Dominion, or any public writ, deed or other document thereof, signed, sealed or executed after the passing of this Act, or any portion of any such document, should be on parchment, but the same being written or printed wholly or in part on paper, shall be as valid in all respects as if written or printed on parchment;—any law, usage or custom to the contrary notwithstanding;—but nothing herein contained shall be construed as declaring that it was necessary to the validity of any such document signed, sealed or executed before the passing of this Act, that such document or any part thereof should be on parchment.

CAP. XVI.

An Act respecting Insolvency.

[*Assented to* 22*nd June*, 1869.]

Preamble

WHEREAS it is expedient that the Acts respecting Bankruptcy and Insolvency in the several Provinces of Ontario, Quebec, New Brunswick and Nova Scotia, be amended and consolidated, and the Law on those subjects assimilated in the several Provinces of the Dominion: Therefore, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

Application of Act.

1. This Act shall apply to traders only.

OF VOLUNTARY ASSIGNMENTS.

Assignment to be made to Interim Assignee

2. Any debtor unable to meet his engagements, and desirous of making an assignment of his estate, and any debtor who is required to make an assignment, as hereinafter provided, shall make an assignment of his estate and effects to any official assignee resident within the county or place wherein the Insolvent has his domicile; or if there be no official assignee therein then to an official assignee in the county or place nearest to the domicile of the Insolvent wherein an official assignee has been appointed, and the official assignee to whom such assignment is made shall be known as the Interim Assignee; and forthwith upon the execution of the deed of assignment to him, a meeting of the creditors of the Insolvent for the appointment of an assignee, shall be called by the interim assignee to be held at the place of business of the Insolvent within a period not exceeding three weeks from the execution of the deed of assignment.

Meeting of creditors to be called.

Calling of meeting and proceedings thereat

3. Such meeting shall be called by advertisement (Form A), and previous to such meeting the interim assignee shall prepare, and shall then exhibit, statements showing the position of the affairs of the Insolvent, and particularly a schedule (Form B), containing the names and residence of all his creditors, and the amount

amount due to each, distinguishing between those amounts which are then actually overdue, or for which he is directly liable, and those for which he is only liable indirectly as indorser, surety or otherwise, and which have not become due at the date of such meeting, the particulars of any negotiable paper bearing his name, the holders of which the interim assignee shall be unable to ascertain, the amount due to each creditor, and also any contingent liabilities, describing the same; and a statement showing the amount and nature of all the assets of the Insolvent, including an inventory of his estate and effects; and the insolvent shall assist in the preparation of such statements and of the said schedule, and shall attend at such meeting for the purpose of being examined on oath touching the contents thereof, and touching his books of account and his estate and effects generally; And at such meeting he shall file a declaration under oath stating whether or no such statements and schedule are correct, and if incorrect, in what particulars; And the interim assignee shall also produce at such meeting, the Insolvent's books of account, and all other documents and vouchers, if required so to do by any creditor.

Schedule of liabilities and assets; and what it must show.

Insolvent to assist, and make a declaration on oath.

4. At least ten days before the day fixed for such meeting the interim assignee shall mail to each of the creditors of the Insolvent, in so far as he shall then have been able to discover them, a notice of such meeting with a list containing the names of all creditors holding direct claims, and also of all creditors holding indirect claims maturing before the meeting, amounting to one hundred dollars each, with the amount appearing to be due to each of them; and the aggregate amount of those under one hundred dollars.

Notice to each Creditor: what to contain.

5. At such meeting, the creditors who have proved their claims in the manner hereinafter provided by the one hundred and twenty-second section, may appoint an assignee to the estate of the Insolvent; and no neglect or irregularity in any of the proceedings antecedent to the appointment of an assignee shall vitiate such appointment, whether it be made under a voluntary assignment, or in compulsory liquidation.

Appointment of Assignee.

Irregularity not to vitiate it.

6. If no assignee be appointed at such meeting, or at any adjournment thereof; or if the assignee named refuses to act; or if no creditor attends at such meeting, the interim assignee shall be the assignee to the estate of the Insolvent; but if any assignee be appointed thereat, he shall thenceforth be the assignee of such estate, and the interim assignee shall immediately deliver over to him the whole of the estate of the Insolvent, and all statements, documents and papers prepared by such interim assignee, and unless he is himself appointed assignee, shall also immediately execute a deed of transfer to such assignee of the estate and effects of the Insolvent.

In case no Assignee is appointed, Interim Assignee to act, &c., otherwise to deliver estate to Assignee.

7.

Form of instrument of assignment, and of deed of transfer by Interim Assignee.

7. The deed or instrument of assignment may be in the form C., and the deed of transfer by the interim assignee in the form D., or in any other forms equivalent thereto respectively, and if executed in any part of Canada other than the Province of Quebec, they shall be in duplicate, and a copy of the list of creditors produced at the first meeting of creditors shall be appended to the deed; and no particular description or detail of the property or effects assigned need be inserted in either of such deeds: and any number of counterparts of such deeds required by the assignee, and any further or other deeds or assurances required by the assignee, shall be executed by the Insolvent or by the interim assignee, as the case may be, at the request of the assignee, either at the time of the execution of such deed or instrument, or afterwards, to which counterparts no list of creditors need be appended.

If Interim Assignee fail to execute deed of transfer.

8. If the interim assignee shall fail or neglect to execute such deed of transfer within twenty-four hours after the nomination of an assignee at such meeting—he shall in the discretion of the Judge be subject to imprisonment for a period not exceeding one month; and such imprisonment may be ordered by the Judge upon the application of the person so nominated as assignee, or of any creditor, supported by affidavit to the satisfaction of the Judge: and the interim assignee shall not be permitted to plead to or answer such application either as to its form or upon the merits in any manner or way whatever until after he shall have executed and delivered to the assignee such deed of transfer, and shall have also delivered over to him the whole of the estate and effects of the Insolvent—with all books, instruments, vouchers and documents appertaining thereto.

Proceedings when Interim Assignee becomes the Assignee.

9. If by election or by failure of election, the interim assignee shall become assignee, his appointment shall be established, if by election by an instrument (Form D D) declaring the fact, signed by the chairman and by one or more of the creditors present at the meeting appointing him, and authenticated by his own affidavit: and if by failure of election, by an instrument declaring the fact, and signed and sworn to by himself before the Judge, who shall have power to interrogate him specially upon the contents thereof, and, shall not receive his oath if he has any reason to doubt the facts stated in such instrument; and the instrument of appointment shall be deposited in the office of the Court with the deed of assignment; and a copy of such instrument certified by the clerk or Prothonotary of the Court wherein it is deposited under the seal of such Court, shall serve all the purposes of the deed of transfer hereinbefore provided for, and for that purpose shall be annexed to the deed of assignment or in the Province of Quebec to the copy thereof and registered therewith.

Deposit of the instrument: copies, how certified.

What the Assignment shall be held to convey.

10. The assignment shall be held to convey and vest in the interim assignee in the first instance, the books of account of the Insolvent, all vouchers, accounts, letters and other papers and documents

documents relating to his business, all moneys and negotiable papers, stocks, bonds, and other securities, as well as all the real estate of the Insolvent, and all his interest therein, whether in fee or otherwise, and also all his personal estate, and moveable and immoveable property, debts, assets and effects, which he has or may become entitled to at any time before his discharge is effected under this Act, excepting only such as are exempt from seizure and sale under execution, by virtue of the several statutes in such case made and provided; and if an assignee be subsequently appointed, or if by the failure of election, the interim assignee becomes assignee, such assignee shall have the same rights in and to the whole of such estate and effects as were previously held under this Act by the interim assignee; Provided always that no pledgee of any of the effects of the Insolvent or any other party in possession thereof with a lien thereon, shall be deprived of the possession thereof, without payment of the amount legally chargeable as a preferential claim upon such effects; except in the case hereinafter provided for of such pledgee or party in possession proving his claim against the estate and putting a value upon his security; But at any time before the maturity of any advance made upon the pledge of effects of the Insolvent, or within fifteen days thereafter, the assignee shall have the right to sell such effects, as he may sell the other effects of the Insolvent; and thereupon if the price is sufficient to cover such advance with interest and lawful charges, the pledgee shall carry out such sale and deliver the effects sold in conformity therewith receiving the price thereof, but not otherwise.

Proviso: as to pledgees of the property of the Insolvent.

11. Forthwith upon the execution of the deed of transfer, the assignee, if appointed in any part of Canada other than the Province of Quebec, shall deposit one of the duplicates of the deed of assignment and of such deed of transfer, and if in the Province of Quebec, authentic copies of each, in the office of the proper Court; and in either case the list of creditors shall accompany the instruments so deposited.

Deposit of duplicate of deed of assignment.

12. If the Insolvent possesses real estate, the deed of assignment with the deed of transfer annexed thereto, if any such deed of transfer be required and executed, or, if such real estate be in the Province of Quebec, authentic copies thereof, may be enregistered in the Registry Office for the Registration Division or County within which such real estate is situate; and no subsequent registration of any deed or instrument of any kind executed by the Insolvent, or which otherwise would have affected his real estate, shall have any force or effect thereon; and if the real estate be in any part of Canada other than the Province of Quebec, and deeds of assignment and of transfer be executed in the Province of Quebec before Notaries, copies of such deeds certified by the Notary or other public officer in whose custody the originals remain, may be registered without other evidence of the execution thereof, and without any memorial; and a certificate of such registration may be endorsed upon like copies, and if the property be

Registration of Deeds of Assignment and of transfer.

be in the Province of Quebec and the deeds of assignment and of transfer be executed elsewhere in the Dominion they may be enregistered at full length in the usual manner; but it shall not be necessary to enregister, or to refer on registration in any manner to, the list of creditors annexed to the deed of transfer.

COMPULSORY LIQUIDATION.

When a debtor's estate shall be subject to compulsory liquidation.

13.—A debtor shall be deemed insolvent and his estate shall become subject to compulsory liquidation:

a. If he absconds or is immediately about to abscond from any Province in Canada with intent to defraud any creditor, or to defeat or delay the remedy of any creditor, or to avoid being arrested or served with legal process; or if being out of any such Province in Canada he so remains with a like intent; or if he conceals himself within the limits of Canada with a like intent;

b. Or if he secretes or is immediately about to secrete any part of his estate and effects with intent to defraud his creditors, or to defeat or delay their demands or any of them;

c. Or if he assigns, removes or disposes of, or is about or attempts to assign, remove or dispose of, any of his property with intent to defraud, defeat or delay his creditors, or any of them;

d. Or if with such intent he has procured his money, goods, chattels, lands or property to be seized, levied on or taken under or by any process or execution, having operation where the debtor resides or has property, founded upon a demand in its nature proveable under this Act, and for a sum exceeding two hundred dollars, and if such process is in force and not discharged by payment or in any manner provided for by law;

e. Or if he has been actually imprisoned or upon the gaol limits for more than thirty days in a civil action founded on contract for the sum of two hundred dollars or upwards, and still is so imprisoned or on the limits; or if in case of such imprisonment he has escaped out of prison or from custody or from the limits;

f. Or if he wilfully neglects or refuses to appear on any rule or order requiring his appearance, to be examined as to his debts under any statute or law in that behalf;

g. Or if he wilfully refuses or neglects to obey or comply with any such rule or order made for payment of his debts or of any part of them;

h. Or if he wilfully neglects or refuses to obey or comply with the order or decree of the Court of Chancery or of any of the judges thereof, for payment of money;

i.

i. Or if he has made any general conveyance or assignment of his property for the benefit of his creditors, otherwise than in the manner prescribed by this Act; or if being unable to meet his liabilities in full, he makes any sale or conveyance of the whole or the main part of his stock in trade or of his assets, without the consent of his creditors, or without satisfying their claims;

j. Or if he permits any execution issued against him under which any of his chattels, land or property are seized, levied upon or taken in execution, to remain unsatisfied till within four days of the time fixed by the Sheriff or officer for the sale thereof, or for fifteen days after such seizure; subject however to the privileged claim of the seizing creditor for the costs of such execution, and also to his claim for the costs of the judgment under which such execution has issued, which shall constitute a lien upon the effects seized, or shall not do so, according to the law as it existed previous to the passing of this Act, in the Province in which the execution shall issue.

14. If a debtor ceases to meet his liabilities generally as they become due, any one or more claimants upon him for sums exceeding in the aggregate five hundred dollars, may make a demand upon him either personally within the county or judicial district wherein such Insolvent has his chief place of business or at his domicile, upon some grown person of his family, or in his employ; (Form E.) requiring him to make an assignment of his estate and effects for the benefit of his creditors. If a debtor fails to meet liabilities.

15. If the debtor, on whom such demand is made, contends that the same was not made in conformity with this Act, or that the claims of such creditor or creditors do not amount to five hundred dollars, or that they were procured in whole or in part for the purpose of enabling such creditor or creditors to take proceedings under this Act, or that the stoppage of payment by such debtor was only temporary, and that it was not caused by any fraud or fraudulent intent, or by the insufficiency of the assets of such debtor to meet his liabilities, he may after notice to such claimant or claimants, but only within five days from such demand, present a petition to the judge praying that no further proceedings under this Act may be taken upon such demand, and, after hearing the parties and such evidence as may be adduced before him, the judge may grant the prayer of his petition, and thereafter such demand shall have no force or effect whatever; and such petition may be granted with or without costs against either party; but if it appears to the judge that such demand has been made without reasonable grounds, and merely as a means of enforcing payment under color of proceeding under this Act, he may condemn the creditors making it, to pay treble costs. But if claims do not amount to $500, &c., Judge may make an order suspending proceedings.

16. If at the time of such demand the debtor was absent from the Province wherein such service was made, application may be made after due notice to the claimants, within the said period of five days to the Judge on his behalf, for an enlargement of the time If the debtor be absent when the demand is made.

time for making an assignment; and thereupon if such debtor have not returned to such Province the Judge may make an order enlarging such period and fixing the delay within which such assignment shall be made; but such enlargement of time may be refused by the Judge if it be made to appear to his satisfaction that the same would be prejudicial to the interests of the creditors.

In certain cases such debtor's estate to become subject to compulsory liquidation.

17. If such petition be rejected, or if while such petition is pending, the debtor continues his trade, or proceeds with the realization of his assets, or if no such petition be presented within the aforesaid time, and the Insolvent during the same time neglects to make an assignment of his estate and effects for the benefit of his creditors as provided by the second section of this Act, his estate shall become subject to compulsory liquidation.

When act or omission shall not justify the placing of the estate in compulsory liquidation.

18. But no act or omission shall justify any proceeding to place the estate of an Insolvent in compulsory liquidation, unless proceedings are taken under this Act in respect of the same, within three months next after the act or omission relied upon as subjecting such estate thereto; nor after a writ of attachment in compulsory liquidation has been issued while it remains in force, nor after a voluntary assignment has been made, or an assignee appointed under this Act.

Affidavits in Province of Quebec, how made.

19. In the Province of Quebec an affidavit may be made by a claimant for a sum of not less than two hundred dollars, or by the clerk or other duly authorized agent of such claimant setting forth the particulars of his debt, the insolvency of the person indebted to him, and any fact or facts which, under this Act, subject the estate of such debtor to compulsory liquidation.—(Form F).—And upon such affidavit being filed with the Prothonotary of the district within which the Insolvent has his chief place of business, a writ of attachment (Form G) shall issue against the estate and effects of the Insolvent addressed to the sheriff of the district in which such writ issues, requiring such sheriff to seize and attach the estate and effects of the Insolvent, and to summon him to appear before the court to answer the premises; and such writ shall be subject as nearly as can be to the rules of procedure of the court in ordinary suits, as to its issue, service, and return, and as to all proceedings subsequent thereto before any Court or Judge.

Writ of attachment founded thereon.

Affidavits in other Provinces, how made.

20. In the Province of Ontario, New Brunswick or Nova Scotia in case any claimant by affidavit of himself or of any other individual (Form F), shows to the satisfaction of the judge that he is a creditor of the Insolvent for a sum of not less than two hundred dollars, and also shews by the affidavits of two credible persons, such facts and circumstances as satisfy such judge that the debtor is insolvent within the meaning of this Act, and that his estate has become subject to compulsory liquidation, such judge may order the issue of the writ of attachment (Form G) against the estate and effects of the Insolvent, addressed to the sheriff of the county in which such writ issues, requiring such sheriff to seize and attach

Writ of attachment.

th

the estate and effects of the Insolvent and to summon him to appear before the court to answer the premises, and such writ shall be subject as nearly as can be to the rules of procedure of the Court in ordinary suits as to its issue and return, and as to all proceedings subsequent thereto before any Court or Judge.

21. If the defendant in any process for compulsory liquidation, has no domicile in any Province of Canada, or absconds from the Province in which he has his domicile or remains without such Province, or conceals himself within such Province, service of the Writ of Attachment issued against him under this Act, may be validly made upon him in any manner which the Judge may order, upon application to him in that behalf; and in proceedings for compulsory liquidation, concurrent Writs of Attachment may be issued, if required by the plaintiff, addressed to the sheriffs of districts or counties in any part of Canada other than the District or County in which such proceedings are being carried on.

Service of writ, in case Insolvent has no domicile or absconds.

Concurrent writs.

22. Writs of attachment in proceedings for compulsory liquidation may be made returnable after the expiry of three days from the service thereof, when the defendant resides in Canada, and not more than fifteen miles from the place of return, or when the defendant has no domicile therein; and of one additional day for every additional distance of fifteen miles between such residence, if in Canada, and such place of return; and immediately upon the issue of a writ of attachment under this Act, the Sheriff shall give notice thereof by advertisement thereof (Form H).

Return of writs of attachment.

23. For all the purposes of such writ of attachment and in respect of all his duties regarding it, the Sheriff shall be an officer of the Court issuing such writ, and subject to its summary jurisdiction as such; and under such writ, he shall by himself or by such agent or messenger as he shall appoint for that purpose, whose authority shall be established by a copy of the writ addressed to him by name and description, and certified under the hand of the Sheriff, seize and attach all the estate and effects of the insolvent within the limits of the County or District for which such Sheriff is appointed, including his books of account, moneys and securities for money, and all his office or business papers, documents, and vouchers of every kind and description; and shall return, with the writ, a report under oath stating in general terms his action thereon.

Sheriff to be officer of Court issuing writs.

His duty in executing it.

24. If the Sheriff or officer charged with any writ of attachment is unable to obtain access to the interior of the house, shop, warehouse, or other premises of the defendant named in such writ, by reason of the same being locked, barred or fastened, such Sheriff or officer shall have the right forcibly to open the same.

Sheriff may enter house and shop, &c., forcibly.

In whose custody Sheriff shall place estate: duty of such person.

25. If, in the County or District in which is situate the chief place of business of the debtor, official assignees have been appointed for the purposes of this Act, the Sheriff shall place the estate and effects attached in the custody of one of such official assignees, who shall be guardian under such writ; but if not, he shall appoint as guardian such competent and responsible person as may be willing to assume such guardianship; and the person so placed in possession shall be bound to perform all the duties hereinbefore imposed upon the interim assignee, except the calling of a meeting of creditors for the appointment of an assignee.

When petition may be presented by insolvent.

26. Except in cases where a petition has been presented as provided for by the fifteenth section of this Act, the alleged insolvent may present a petition to the Judge at any time within three days from the return day of the writ, but not afterwards; and may thereby pray for the setting aside of the attachment made under such writ, on the ground that his estate has not become subject to compulsory liquidation; or if the writ of attachment has issued against a debtor by reason of his neglect to satisfy a writ of execution against him as hereinbefore provided, then on such ground, and also on the ground that such neglect was caused by a temporary embarrassment, and that it was not caused by any fraud or fraudulent intent, or by the insufficiency of the assets of such debtor to meet his liabilities; and such petition shall be heard and determined by the Judge in a summary manner, and comformably to the evidence adduced before him thereon; but proceedings for compulsory liquidation shall not be contested either as to form or upon the merits, otherwise than by a summary petition, in the manner, upon the grounds, and within the delay, hereinbefore provided.

Hearing on such petition.

Proviso.

Meeting of creditors, how called.

27. Immediately upon the expiration of three days from the return day of the writ, if no petition to quash or to stay proceedings be filed, or upon the rendering of judgment on the petition to quash, if it be dismissed, or immediately upon such return with the consent of the insolvent, the Judge, upon the application of the plaintiff, or of any creditor declaring in such application that he thereby intervenes for the prosecution of the cause, shall order a meeting of the creditors to be held at a time and place named in such order, and after due notice thereof by advertisement, for the purpose of appointing an assignee; and the guardian shall perform the duties imposed upon the interim assignee by section four of this Act.

Who shall preside at meeting.

Appointment of Assignee.

28. At the time and place appointed, the Judge or the prothonotary or clerk of the Court in which the proceedings are carried on shall preside, and the creditors shall have the right to appoint an assignee to the estate and effects of the Insolvent, and the presiding officer shall draw up and sign a record of such appointment which shall be a record of the Court, but if no creditor be present at such meeting the presiding officer shall have power to adjourn such meeting.

29. Upon the appointment of the assignee, the guardian shall immediately deliver the estate and effects in his custody to such assignee; and by the effect of his appointment, the whole of the estate and effects of the Insolvent, whether real or personal, moveable or immoveable, as existing at the date of the issue of the writ, and which may accrue to him by any title whatsoever, up to the time of his discharge under this Act, and whether seized or not seized under the writ of attachment, shall vest in the said assignee in the same manner, to the same extent, and with the same exceptions, as if he had been duly appointed assignee to such insolvent under a voluntary assignment of his estate and effects executed by the insolvent to an interim assignee, and such estate and effects had been duly transferred to him as hereinbefore provided. Transfer of estate from guardian to assignee.

30. An authentic copy or exemplification, under the hand of the Court, of the record of appointment of an assignee, may be registered at full length in any registry office, without any proof of the signature of the officer and without any memorial; and such registration shall have the same effect as to the real estate of the insolvent and in all other respects, as the registration under this Act of a deed of assignment with deed of transfer annexed. Proof and registry of appointment.

31. The Board of Trade at any place, or the Council thereof, shall within three months from the time at which this Act shall come into force, and afterwards, from time to time, within three months after any vacancy by the death, resignation or removal of any official assignee, name any number of persons within the County or District in which such Board of Trade exists, or within any County or District adjacent thereto in which there is no Board of Trade, to wit: at least one Official Assignee for each of such Counties, and at least three Official Assignees in each District of the Province of Quebec, to be official assignees for the purposes of this Act, and at the time of such nomination shall declare what security for the due performance of his duties, shall be given by each of such official assignees before entering upon them; and a copy of the resolution naming such persons, certified by the Secretary of the Board shall be transmitted to the Prothonotary or Clerk of the Court in the District or County within which such assignees are resident respectively; and such copy shall be *primâ facie* evidence of the appointment of an official assignee; but such nomination may be made by the Judge, in any District or County wherein or adjacent to which no Board of Trade exists, and also in such District or County wherein, or adjacent to which a Board of Trade exists, but in which the Board of Trade shall have failed to make such nomination during the delay aforesaid, and in that case the Judge shall certify such nomination under his hand, and shall file such certificate in the office of the Court over which he presides; and such security as such Judge shall declare in such nomination, shall be given by such official assignee; and the Board or Judge who has appointed an Official Assignee or the Judge having Appointment of official assignees by Board of Trade. In places where there is no Board of Trade. Security by and removal of assignees.

having jurisdiction at the domicile of such official Assignee, may remove him upon petition to that effect duly notified to such Official Assignee, and upon such notice and for such causes as such Board or Judge may deem sufficient; but such removal shall not have the effect of removing such Official Assignee from the office of Assignee to any estate to which he has previously been appointed; and all official assignees now holding that office shall continue to hold the same, but subject to all the provisions of this Act with respect to official assignees;

Present official Assignees continued.

To whom and for whose benefit the security shall be given.

32. Such security shall be taken in the name of office of the President of such Board of Trade or Judge, for the benefit of the creditors of any person whose estate is or subsequently may be, in process of liquidation under this Act; and in case of the default of any such official assignee in the performance of his duty, his security may be enforced and realized by the Assignee of the estate which suffers by such default, then or subsequently appointed, who may sue in his own name as such assignee upon such security; Provided always that the giving of such security shall not prevent the creditors of any insolvent from requiring security to be given for their benefit as hereinafter provided; but in that case the security taken in the name of the President of the Board of Trade or Judge shall be regarded as supplementary to the security so required, and shall be enforceable only after discussion of such security; and upon the security so given coming to an end, the Official Assignee shall be incapable of being appointed interim assignee or guardian until new security be given instead thereof to the satisfaction of the official receiving the same; and if in case of such default it be found that more than one insolvent estate has claims upon such security, the total amount claimed, not exceeding the amount of such security, shall be payable to such of the assignees of such estates, as shall be named by the President of such Board of Trade or Judge by an instrument in writing, for that purpose, and may be claimed and recovered by such assignee after a copy of such nomination has been delivered to the surety, who shall be discharged by such payment; and thereafter the assignee so named shall distribute the amount so received among the claimants thereof including the estate represented by himself, in the next dividend sheet of such estate, subject to contestation like all other items in such sheet; and he shall receive in respect of the amount so received and distributed, a commission of one half per centum thereon and no more.

Proviso: creditors may require further security.

If more than one insolvent estate has claims on it.

Conservatory proceedings.

33. The interim assignee or guardian shall have the right in his own name, and in his capacity of interim assignee or guardian, as the case may be, to institute any conservatory process or any process or proceeding that may be necessary for the protection of the estate, provided that he shall first have obtained the authority of the Judge for so doing;

34.

34. At the first meeting of creditors which shall be held for the appointment of an assignee either on a voluntary assignment or in compulsory liquidation, or at any subsequent meeting, the creditors may appoint one or more inspectors either from among themselves, or otherwise, whose services may be gratuitous, or paid for, as the creditors shall decide at such meeting, and who shall superintend and direct the assignee in the performance of his duties under this Act, until the next meeting of creditors; and if their appointment be not then or at some subsequent meeting revoked, they shall continue to hold the same till the final closing of the estate; and at such meeting, and at subsequent meetings from time to time the creditors may fix, by resolution, the City, Town or other place in which meetings of creditors shall thereafter be held; and thereafter no meetings held elsewhere shall be valid; and whenever under this Act the consent, authority or direction of the creditors is required, to enable the assignee to perform any act, or to adopt any course, the unanimous consent, sanction, authority or directions of the inspectors, if any there be, evidenced by a writing signed by them and deposited with the assignee, shall be held and taken to be the consent, sanction, authority or directions of the creditors in that behalf, save and except in the case of the proposed sale of the entire estate of the Insolvent as hereinafter provided; subject always however to revision by the creditors at any meeting thereof held for the purpose

Inspectors may be appointed by creditors. Their duties. Term of office, &c.

Place for meetings to be fixed.

Inspectors to represent the creditors.

35. If at such meeting the Insolvent shall make an offer of composition, and such offer be approved by the creditors, they may make such order as they may deem expedient, either for suspending the disposal of the estate and all or any proceedings tending thereto, for such time as may be fixed by such meeting, or for any other purpose.

If an offer of composition be made and accepted.

OF ASSIGNEES.

36. Immediately upon his appointment the assignee shall give notice thereof by advertisement (Form I);

Notice by Assignee. Form.

37. The assignee shall call meetings of creditors, whenever required in writing so to do by the inspectors, or by five creditors stating in such writing the purpose of the intended meeting and making themselves liable for the expense of calling the same; or whenever he is required so to do by the Judge, on the application of any creditor, of which application he shall have notice; or whenever he shall himself require instructions from the creditors; and he shall state succinctly in the notice calling any meeting, the purposes of such meeting;

Calling meetings of creditors.

38. The assignee shall be subject to all rules, orders and directions, not contrary to law, or to the provisions of this Act, which are made for his guidance by the creditors; and until he receives directions from the creditors in that behalf, if there be a Bank or agency of a Bank in the place or county in which the insolvent has

Assignee to obey instructions and deposit moneys in a Bank, &c.

has his place of business or within fifteen miles of such place, he shall deposit weekly, at interest, in the name of the estate, all moneys received by him, in the Bank or Bank Agency in or nearest to the place where the Insolvent so carries on business; but he shall not deposit moneys belonging to the estate, in his own name in any Bank, on pain of dismissal by the Judge on the summary petition of any creditor; and the interest received upon deposits shall appertain to the estate, and shall be distributed in the same manner and subject to the same rights and privileges as the capital from which such interest accrued; and if in any account or dividend sheet made subsequent to any deposit in a Bank, the assignee shall omit to account for or divide the interest then accrued thereon, he shall forfeit and pay to the estate to which such interest appertains, a sum equal to three times the amount of such interest; and he may be constrained so to do by the Judge upon summary petition and by imprisonment as for a contempt of Court; And at every meeting of inspectors or of creditors, the assignee shall produce a Bank pass-book shewing the name in which the Bank account of the estate is kept at such Bank, and all the transactions with such Bank connected with such account, of which production mention shall be made in the minutes of such meeting, or it shall be conclusively presumed not to have been produced thereat.

Interest thereon.

Bank pass-book to be produced.

Further duties of Assignee, to keep minutes, &c.

39. The interim assignee, assignee or guardian, as the case may be shall attend all meetings of creditors, and take and preserve minutes of such meetings, signed by himself, and signed and certified at the time by the Chairman, or by three creditors present at the meeting; and the assignee shall also keep a correct register in duplicate of all his proceedings, and of the reception of all papers and documents served upon or delivered to him, and of all claims made to or before him, and shall enter therein in the first place the minutes of all meetings of creditors held before or at the time of his appointment, as delivered to him; one of which duplicates shall remain in the office of the Prothonotary or Clerk of the Court, and shall be written up and completed by the assignee monthly from the duplicate in his own possession; and also if required, and independent of the security hereinbefore required to be given, the assignee, in any case, shall give such other security, and in such manner, as shall be ordered by a resolution of the creditors, and shall conform himself to such directions in respect thereof, and in respect of any change or modification thereof or addition thereto, as are subsequently conveyed to him by similar resolutions; and in every such case, the bond or instrument of security shall be taken in favor of the creditors, by the name of the "Creditors of A. B., an Insolvent, under the Insolvent Act of 1869," and shall be deposited in the office of the Court, and in case of default by the assignee on whose behalf it is given, may be sued upon by any assignee, who shall be subsequently appointed, to the same estate, in his own name as such assignee: And it shall be the duty of the assignee at the meeting by which he is appointed, if present thereat, or if not, then at the next meeting

To give further security, if required

Form of bond, &c.

meeting thereof, to bring before such meeting the question of the security to be given by him.

40. All powers vested in any Insolvent which he might have legally executed for his own benefit, shall vest in, and be executed by the assignee, in like manner and with like effect as they were vested in the Insolvent, and might have been executed by him; but no power vested in the Insolvent or property or effects held by him as Trustee or otherwise for the benefit of others, shall vest in the assignee under this Act.

Powers of insolvent vested in Assignee.

Exception.

41. The assignee shall wind up the affairs of the Insolvent, by the sale, in a prudent manner, of all Bank and other stocks, and of all moveables belonging to him, and by the collection of all debts, but in all of such respects shall be guided by the direction of the creditors given as herein provided; but nothing in this Act contained shall prevent the assignee from selling the entire estate and effects of the Insolvent, real and personal, in one lot, either for a gross price, or at a dollar rate upon the liabilities of the Insolvent, and upon such other terms and conditions as to the payment of the price, the payment or assumption and payment, by the purchaser of mortgages or hypothecary debts, and the payment of privileged debts, as may be considered advantageous, such conditions however, in the case of mortgages, hypothecations or privileged claims, not to diminish the security of the creditors holding the same nor to extend the term of payment agreed to by them, without their express consent; Provided always that such sale and all and every the terms and conditions thereof and connected therewith be first approved at a meeting of creditors; and such meeting may be held at any time after the appointment of an assignee, provided notice by advertisement as provided by this Act has been given by the assignee, interim assignee or guardian, as the case may be.

Assignee to sell property of Insolvent, and in what manner.

Proviso for sanction of creditors.

42. The Assignee, in his own name as such, shall have the exclusive right to sue for the recovery of all debts due to or claimed by the Insolvent of every kind and nature whatsoever; for rescinding agreements, deeds and instruments made in fraud of creditors and for the recovery back of monies alleged to have been paid in fraud of creditors, and to take, both in the prosecution and defence of suits, all the proceedings that the Insolvent might have taken for the benefit of the estate, or that any creditor might have taken for the benefit of the creditors generally; and may intervene and represent the Insolvent in all suits or proceedings by or against him, which are pending at the time of his appointment, and on his application may have his name inserted therein, in the place of that of the Insolvent; And if after the appointment of an assignee, and before he has obtained his discharge under this Act, the Insolvent shall sue out any writ or institute or continue any proceeding of any kind or nature whatsoever, he shall give to the opposite party such security for costs as shall be ordered by the Court before which such suit or proceeding

Assignee to sue for debts due to Insolvent.

If the Insolvent sues for the same.

ceeding is pending, before such party shall be bound to appear or plead to the same or take any further proceeding therein.

If a partner becomes insolvent, partnership thereby dissolved, &c.

43. If a partner in an unincorporated trading company or copartnership, becomes insolvent within the meaning of this Act, and an Assignee is appointed to the estate of such Insolvent, such partnership shall thereby be held to be dissolved; and the Assignee shall have all the rights of action and remedies against the other partners in such company or copartnership, which any partner could have or exercise by law or in equity against his copartners after the dissolution of the firm; and may avail himself of such rights of action and remedies, as if such copartnership or company had expired by efflux of time.

Sale of debts the collection of which would be too onerous.

44. After having acted with due diligence in the collection of the debts, if the Assignee finds there remain debts due, the attempt to collect which would be more onerous than beneficial to the estate, he may report the same to the creditors, and with their sanction he may obtain an order of the Judge to sell the same by public auction, after such advertisement thereof as may be required by such order; and pending such advertisement, the Assignee shall keep a list of the debts to be sold, open to inspection at his office, and shall also give free access to all documents and vouchers explanatory of such debts; but all debts amounting to more than one hundred dollars shall be sold separately, except as herein otherwise provided.

Proviso.

A creditor may obtain an order of a Judge authorizing him to take any special proceedings at his own risk.

45. If at any time any creditor of the Insolvent shall desire to cause any proceeding to be taken which in his opinion would be for the benefit of the estate, and the assignee shall under the authority of the creditors or of the Inspectors refuse or neglect to take such proceeding after being duly required so to do, such creditor shall have the right to obtain an order of the Judge authorizing him to take such proceeding in the name of the assignee, but at his own expense and risk, upon such terms and conditions as to indemnity to the assignee as the Judge may prescribe, and thereupon any benefit derived from such proceeding shall belong exclusively to the creditor instituting the same for his benefit and that of any other creditors who have joined him in causing the institution of such proceeding; but if before such order is granted, the assignee shall signify to the judge his readiness to institute such proceedings for the benefit of the creditors, the order shall be made prescribing the time within which he shall do so, and in that case the advantage derived from such proceeding shall appertain to the estate.

Rights of purchasers of insolvents' debts

46. The person who purchases a debt from the Assignee may sue for it in his own name, as effectually as the Insolvent might have done and as the Assignee is hereby authorized to do; and a Bill of Sale (Form K), signed and delivered to him by the Asssignee, shall be *primâ facie* evidence of such purchase, without proof of the handwriting of the Assignee; and no warranty, except as to the good faith of the Assignee, shall be created by such sale and conveyance, not even that the debt is due.

47.

47. The Assignee may sell the real estate of the Insolvent, but only after advertisement thereof, for a period of two months, and in the same manner as is required for the actual advertisement of sales of real estate by the sheriff in the district or place where such real estate is situate, and to such further extent as the assignee deems expedient; but the period of advertisement may be shortened to not less than one month by the creditors with the approbation of the Judge; but in the Province of Quebec such abridgement shall not take place without the consent of the hypothecary creditors upon such real estate, (if any there be) and if the price offered for any real estate at any public sale duly advertised as aforesaid, is, in the opinion of the Assignee, too small, he may withdraw such real estate, and sell it subsequently under such directions as he receives from the creditors. **Sale of real estate, on certain conditions.**

48. All sales of real estate so made by the Assignee, shall vest in the purchasers all the legal and equitable estate of the insolvent therein, and in all respects shall have the same effect as to mortgages, hypothecs or privileges then existing thereon, as if the same had been made by a sheriff in the Province in which such real estate is situate, under a writ of execution issued in the ordinary course, but no other, greater, or less effect than such sheriff's sale; and the title conveyed by such sale shall have equal validity with a title created by a sheriff's sale; and the deed of such sale which the Assignee executes (Form L,) shall have the same effect as a sheriff's deed has in the Province within which the real estate is situate; but he may grant such terms of credit as he may deem expedient, and as may be approved of by the creditors, for any part of the purchase money; except that no credit shall be given in the Province of Quebec for any part of the purchase money coming to any hypothecary or privileged creditor without the consent of such creditor; and the Assignee shall be entitled to reserve a special hypothec or mortgage by the deed of sale as security for the payment of such part of the purchase money as shall be unpaid; and such deed may be executed before witnesses or before notaries, according to the exigency of the law of the place where the real estate sold is situate. **Effect of sales of real estate.** **Form of deed and terms.**

49. In the Province of Quebec such sale may be made subject to all such charges and hypothecs as are permitted by the law of the said Province to remain chargeable thereon, when sold by the sheriff, and also subject to such other charges and hypothecs thereon, as are not due at the time of the sale, the time of payment whereof shall not however be extended by the conditions of such sale; and also subject to such other charges, and hypothecs as may be consented to in writing by the holders or creditors thereof.— And an order of re-sale for false bidding may be obtained from the judge by the assignee upon summary petition; and such re-sale may be proceeded with after the same notices and advertisements, and with the same effect and consequences as to the false bidder, and all others, and by means of similar proceedings, as are provided in ordinary cases for such re-sales, in all essential particulars **Sales in Quebec may be subject to certain charges.** ***Folle enchère.***

and

and as nearly as may be without being inconsistent with this Act; and as soon as immoveables are sold by the Assignee, he shall procure from the Registrar of the Registration Division in which each immoveable is situate, a certificate of the hypothecs charged upon such immoveable and registered up to the day of the issue of the writ of attachment, or of the execution of the deed of assignment by which the estate of the Insolvent was brought within the purview of this Act, as the case may be; And such certificate, shall contain all the facts and circumstances required in the Registrar's certificate obtained by the Sheriff subsequent to the adjudication of an immoveable in conformity with the provisions of the Code of Procedure and shall be made and charged for by the Registrar in like manner; And the provisions of the Code of Procedure as to the collocation of hypothecary, and privileged creditors, the necessity for and the filing of oppositions for payment and the costs thereon shall apply thereto under this Act as nearly as the nature of the case will admit; And the collocation and distribution of the money arising from such sale shall be made in the dividend sheet in the same manner as to all the essential parts thereof, as the collocation and distribution of monies arising from the sale of immoveables are made in the appropriate Court in ordinary cases, except in so far as the same may be inconsistent with any provision of this Act.

Certificate of Registrar.

Code of Procedure to apply.

Order of distribution.

Assignees, guardians, &c. to be subject to the orders of the Court, or Judge, &c.

50. Every interim Assignee, Guardian and Assignee shall be subject to the summary jurisdiction of the Court or Judge in the same manner and to the same extent as the ordinary officers of the Court are subject to its jurisdiction, and the performance of their respective duties may be compelled, and all remedies sought or demanded for enforcing any claim for a debt, privilege, mortgage, hypothec, lien or right of property upon, in or to any effects or property in the hands, possession or custody of the Assignee, may be obtained, by an order of the Judge on summary petition in vacation, or of the Court on a rule in term, and not by any suit, attachment, opposition, seizure or other proceeding of any kind whatever; and obedience by the Assignee to such order may be enforced by such Judge or Court under the penalty of imprisonment, as for contempt of Court or disobedience thereto, or he may be dismissed, in the discretion of the Court or Judge.

Assignee may be removed or resign.

51. Any Assignee may be removed, either at the will of the creditors or upon his own resignation, by a resolution passed by the creditors present or represented at a meeting duly called for the purpose; and if the Assignee dies or is removed they shall have the right of appointing another assignee, either at the meeting by which he is removed, or at any other called for the purpose; but the Assignee so removed shall, nevertheless, remain subject to the summary jurisdiction of the court and of any Judge thereof, until he shall have fully accounted for his acts and conduct while he continued to be Assignee.

Proviso.

52.

52. The remuneration of the interim Assignee, Guardian and Assignee respectively, shall be fixed by the creditors at their first meeting or at any other meeting called for the purpose; but if not so fixed before a final dividend is declared, shall be put into the dividend sheet at a rate for the interim Assignee or Guardian, such as the Assignee shall deem reasonable, and for the Assignee not exceeding five per centum upon the cash receipts,—subject to contestation by any party interested as being insufficient or as exceeding the value of the services rendered, in the same manner as any other item of the dividend sheet; But no sum of money shall be inserted as a remuneration to the Assignee unless the question of such remuneration shall have been previously brought before a meeting of creditors competent to decide it.

Remuneration of assignee, interim assignee and guardian.

53. Upon the death of an Assignee the estate of the Insolvent shall not descend to the heirs or representatives of the Assignee, but shall become vested in any Assignee who shall be appointed by the creditors in his place and stead; and in case of the office of Assignee becoming vacant from any cause, the estate shall be under the control of the Judge, until a new Assignee is appointed.

In case of death of assignee, estate how vested.

54. After the declaration of a final dividend, or if after using due diligence the Assignee has been unable to realize any assets to be divided, the Assignee may prepare his final account, and may present a petition to the Judge for his discharge from the office of Assignee after giving notice of such petition to the Insolvent and also to the Inspectors if any have been appointed, or to the creditors by circular, if no Inspector has been appointed; and shall produce and file with such petition a bank certificate of the deposit of any dividends remaining unclaimed, or of any balance in his hands, and a statement showing the nominal and estimated value of the assets of the Insolvent, the amount of claims proved, dividing them into ordinary, privileged and hypothecary claims, the amount of dividends or of composition paid to the ordinary creditors of the estate, and the entire expense of winding up the same, and thereupon the Judge after causing the account to be audited by the Inspectors or by some creditor or creditors named by him for the purpose, and after hearing the parties, may refuse or grant conditionally, or unconditionally the prayer of such petition.

Final account and discharge of assignee.

OF DIVIDENDS.

55. Upon the expiration of the period of one month from the first insertion of the advertisements giving notice of the appointment of an Assignee, or as soon as may be after the expiration of such period, and afterwards from time to time at intervals of not more than three months, the Assignee shall prepare and keep constantly accessible to the creditors, accounts and statements of his doings as such Assignee, and of the position of the estate, and at any similar intervals shall prepare dividends of the estate of the insolvent.

Accounts and statements by assignee.

What claims shall rank on the estate.

56. All debts due and payable by the insolvent at the time of the execution of a deed of assignment, or at the time of the issue of a writ of attachment under this Act, and all debts due but not then actually payable, subject to rebate of interest, shall have the right to rank upon the estate of the insolvent; and any person then being, as surety or otherwise, liable for any debt of the insolvent, who subsequently pays such debt, shall thereafter stand in the place of the original creditor, if such creditor has proved his claim on such debt; or if he has not proved shall be entitled to prove against and rank upon the estate for such debt, to the same extent and with the same effect as such creditor might have done.

Case of contingent claims provided for.

57. If any creditor of the insolvent claims upon a contract dependent upon a condition or contingency, which does not happen previous to the declaration of the first dividend, a dividend shall be reserved upon the amount of such conditional or contingent claim until the condition or contingency is determined; but if it be made to appear to the Judge that such reserve will probably retain the estate open for an undue length of time, he may, unless an estimate of the value thereof be agreed to between the claimant and the Assignee, order the Assignee to make an award upon the value of such contingent or conditional claim, and thereupon the Assignee shall make an award after the same investigation, and in the same manner and subject to a similar appeal, as is hereinafter provided for the making of awards upon disputed claims and dividends, and for appeals from such awards; and in every such case the value so established or agreed to shall be ranked upon as a debt payable absolutely.

Rank and privilege of creditors: Proviso as to creditors holding security.

58. In the preparation of the dividend sheet due regard shall be had to the rank and privilege of every creditor, which rank and privilege, upon whatever they may legally be founded, shall not be disturbed by the provisions of this Act; but no dividend shall be allotted or paid to any creditor holding security from the estate of the insolvent for his claim, until the amount for which he shall rank as a creditor on the estate as to dividends therefrom, shall be established as hereinafter provided; and such amount shall be the amount which he shall be held to represent in voting at meetings of creditors, and in computing the proportion of creditors, whenever under this Act such proportion is required to be ascertained.

Seizure in execution after appointment of assignee: its effect.

59. No lien or privilege upon either the personal or real estate of the Insolvent shall be created for the amount of any judgment debt, or of the interest thereon, by the issue or delivery to the Sheriff of any writ of execution, or by levying upon or seizing under such writ, the effects or estate of the Insolvent, if before the payment over to the plaintiff of the moneys actually levied under such writ, the estate of the debtor shall have been assigned to an interim Assignee, or shall have been placed in compulsory liquidation under this Act; but this provision shall not affect any lien or privilege acquired before the passing of this Act or any privilege for costs which the plaintiff possesses under the law of the Province in

in which such writ shall have issued by reason of such issue, delivery, levy or seizure.

60. If a creditor holds security from the Insolvent, or from his estate, or if there be more than one Insolvent liable as partners, and the creditor holds security from, or the liability of one of them, as security for a debt of the firm, he shall specify the nature and amount of such security or liability in his claim, and shall therein on his oath put a specified value thereon; and the assignee, under the authority of the creditors, may either consent to the right to rank for such liability, or to the retention of the property or effects constituting such security or on which it attaches, by the creditor, at such specified value, or he may require from such creditor an assignment of such liability, or an assignment and delivery of such security, property or effects, at an advance of ten per centum upon such specified value, to be paid by him out of the estate so soon as he has realized such security, in which he shall be bound to the exercise of ordinary diligence; and in either of such cases the difference between the value at which the liability or security is retained or assumed, and the amount of the claim of such creditor, shall be the amount for which he shall rank and vote as aforesaid; and if a creditor holds a claim based upon negotiable instruments upon which the Insolvent is only indirectly or secondarily liable, and which is not mature or exigible, such creditor shall be considered to hold security within the meaning of this section, and shall put a value on the liability of the party primarily liable thereon as being his security for the payment thereof; but after the maturity of such liability and its non-payment he shall be entitled to amend his claim and treat such liability as unsecured. As to creditors holding security for their claims. Their right to vote, &c.

61. But if the security consists of a mortgage upon real estate, or upon ships or shipping, the property mortgaged shall only be assigned and delivered to the creditor, subject to all previous mortgages, hypothecs and liens thereon, holding rank and priority before his claim, and upon his assuming and binding himself to pay all such previous mortgages, hypothecs and liens, and upon his securing such previous charges upon the property mortgaged, in the same manner and to the same extent as the same were previously secured thereon; and thereafter the holders of such previous mortgages, hypothecs and liens shall have no further recourse or claim upon the estate of the Insolvent; and if there be mortgages, hypothecs, or liens thereon subsequent to those of such creditor, he shall only obtain the property by consent of the subsequently secured creditors; or upon their fyling their claims specifying their security thereon as of no value, or upon paying them the value by them placed thereon; or upon giving security to the assignee that the estate shall not be troubled by reason thereof. If the security is on realty or shipping.

62. Upon a secured claim being filed, with a valuation of the security, it shall be the duty of the Assignee to procure the authority Proceedings on the filing of a secured claim.

rity of the inspectors or of the creditors at their first meeting thereafter, to consent to the retention of the security by the creditor, or to require from him an assignment and delivery thereof; and if any meeting of inspectors or of creditors takes place without deciding upon the course to be adopted in respect of such security the Assignee shall act in the premises according to his discretion and without delay.

Rank of several items of a creditor's claim.

63. The amount due to a creditor upon each separate item of his claim at the time of the execution of a deed of assignment, or of the issue of a writ of attachment, as the case may be, and which shall remain due at the time of proving such claim, shall form part of the amount for which he shall rank upon the estate of the insolvent, until such item of claim be paid in full, except in cases of deduction of the proceeds or of the value of security, as hereinbefore provided; but no claim or part of a claim shall be permitted to be ranked upon more than once, whether the claim so to rank be made by the same person or by different persons; and the Assignee may at any time require from any creditor a supplementary oath declaring what amount, if any, such creditor has received in payment of any item of the debt upon which his claim is founded, subsequent to the making of such claim, together with the particulars of such payment; and if any creditor refuses to produce or make such oath before the Assignee within a reasonable time after he has been required so to do, he shall not be collocated in the dividend sheet.

Oath of creditor may be required.

Insolvent owing debts as members of co-partnership

64. If the insolvent owes debts both individually and as a member of a co-partnership, or as a member of two different co-partnerships, the claims against him shall rank first upon the estate by which the debts they represent were contracted, and shall only rank upon the other after all the creditors of that other have been paid in full.

Allowance to insolvent, how made, &c.

65. The creditors, or the same proportion of them that may grant a discharge to the debtor under this Act, may allot to the insolvent, by way of allowance, any sum of money, or any property they may think proper; and the allowance so made shall be inserted in the dividend sheet, and shall be subject to contestation like any other item of collocation therein, but only on the ground of fraud or deceit in procuring it, or of the absence of consent by a sufficient proportion of the creditors.

As to costs in suits against Insolvent.

66. No costs incurred in suits against the insolvent after due notice of an assignment, or of the issue of a writ of attachment in compulsory liquidation has been given according to the provisions of this Act, shall rank upon the estate of the insolvent; but all the taxable costs incurred in proceedings against him up to that time shall be added to the demand, for the recovery of which such proceedings were instituted; and shall rank upon the estate as if they formed part of the original debt.

67. Clerks and other persons in the employ of the insolvent in and about his business or trade shall be collocated in the dividend sheet by special privilege for any arrears of salary or wages due and unpaid to them at the time of the execution of a deed of assignment or of the issue of a writ of attachment under this Act, not exceeding four months of such arrears; but such privileged amount may be increased by order of the creditors. Privilege of clerks, &c., for wages.

68. So soon as a dividend sheet is prepared, notice thereof (Form M) shall be given by advertisement, and after the expiry of one judicial day from the day of the last publication of such advertisement, all dividends which have not been objected to within that period shall be paid. Notice of dividend sheet, and payment.

69. If it appears to the assignee on his examination of the books of the Insolvent, or otherwise, that the Insolvent has creditors who have not taken the proceedings requisite to entitle them to be collocated, it shall be his duty to reserve dividends for such creditors according to the nature of the claims, and to notify them of such reserve, which notification may be by letter through the post, addressed to such creditors' residence as nearly as the same can be ascertained by the Assignee; and if such creditors do not file their claims and apply for such dividends previous to the declaration of the last dividend of the estate, the dividends reserved for them shall form part of such last dividend. Debts of insolvent for which claims are not filed.

70. If any claim be objected to at any time, or if any dividend be objected to within the said period of one day, and any dispute arises between the creditors of the Insolvent, or between him and any creditor, as to the amount of the claim of any creditor, or as to the ranking or privilege of the claim of any creditor upon such dividend sheet, the Assignee shall proceed thereon as hereinafter provided, shall hear and examine the parties and their witnesses under oath (which oath the Assignee is hereby empowered to administer), shall take clear notes in writing of the parol evidence adduced before him, shall examine and verify the statements submitted to him, by the books and accounts of the Insolvent, and by such evidence, vouchers and statements as may be furnished to him, and shall make an award in the premises, and as to the costs of such contestation, which award shall be deposited in the Court, and shall be final, unless appealed from within three days from the date of its communication to the parties to the dispute. Claims objected to, how determined.

71. The Assignee shall not receive or notice any objection to any claim, dividend or collocation, unless such objection shall be filed before him in writing, stating distinctly the grounds of such objection, together with evidence of the previous service of a copy thereof on the claimant; and the claimant shall have three days thereafter to answer the same, which time, however, may be enlarged by the Assignee, with a like delay to the contestant to reply; and upon the completion of an issue upon such objection the Assignee shall fix a day for proceeding to take evidence thereon, and Notice to be given of objections. Award, how made.

and shall thereafter proceed therewith from day to day, unless he shall otherwise order, until the making of his award in the premises.

Inspectors may order contestation of claims.

72. It shall be the duty of the inspectors and of the Assignee under their direction to examine the claims filed before the Assignee, and to obtain information as to their correctness, and when they consider it expedient that any claim, dividend or collocation be contested, they may order the contestation thereof at the expense of the estate; and such contestation may be made in their names or in the names of any creditor consenting thereto.

As to costs awarded by Assignee.

73. The award of the assignee as to costs may be made executory by execution in the same manner as an ordinary judgment of the Court, by means of an order of the Judge, obtained upon the application of the party to whom costs are awarded, made after notice to the opposite party; and the creditors may by resolution authorize and direct the costs of the contestation of any claim or any dividend to be paid out of the estate, and may make such order either before, pending or after any such contestation.

If there be property under seizure at commencement of proceedings.

74. If, at the time of the issue of a Writ of Attachment, or the execution of a Deed of Assignment, any immoveable property or real estate of the Insolvent be under seizure, or in process of sale, under any writ of execution or other order of any competent Court, such sale shall be proceeded with by the officer charged with the same, unless stayed by order of the Judge upon application by the guardian, interim Assignee or Assignee, upon special cause shewn, and after notice to the plaintiff; reserving to the party prosecuting the sale his privileged claim on the proceeds of any subsequent sale, for such costs as he would have been entitled to be paid by privilege out of the proceeds of the sale of such property, if made under such writ or order; but if such sale be proceeded with, the moneys levied therefrom shall be paid over to the Assignee for distribution, according to the rank and priority of the claimants thereon, and the officer charged with the execution shall make his return of such moneys to the Assignee and pay them over to him, and his return to the Court from which the writ issued, declaring that he has done so, shall be a valid and sufficient return upon such writ in so far as regards the moneys so paid over.

Dividends unclaimed, how dealt with.

75. All dividends remaining unclaimed at the time of the discharge of the Assignee shall be left in the bank where they are deposited, for three years, and if still unclaimed, shall then be paid over by such bank with the interest accrued thereon, to the Government of Canada, and if afterwards duly claimed shall be paid over to the persons entitled thereto, with interest at the rate of four per centum per annum from the time of the reception thereof by the Government.

76.

76. If any balance remains of the estate of the Insolvent, or of the proceeds thereof, after the payment in full of all debts due by the Insolvent, such balance shall be paid over to the Insolvent upon his petition to that effect, duly notified to the creditors by advertisement and granted by the Judge. Balance payable to insolvent.

OF LEASES.

77. If the Insolvent holds under a lease, property having a value above and beyond the amount of any rent payable under such lease, the Assignee shall make a report thereon to the Judge, containing his estimate of the value of the estate of the leased property in excess of the rent; and thereupon the Judge may order the rights of the Insolvent in such leased premises to be sold, after such notice of such sale as he shall see fit to order; and at the time and place appointed such lease shall be sold, upon such conditions, as to the giving of security to the lessor, as the Judge may order; and such sale shall be so made subject to the payment of the rent and to all the covenants and conditions contained in the lease, and all such covenants and conditions shall be binding upon the lessor and upon the purchaser, as if the purchaser had been himself lessee and a party with the lessor to the lease. Lease more valuable than the rent to be sold: and subject to what conditions.

78. If the Insolvent holds under a lease extending beyond the year current under its terms at the time of his insolvency, property which is not subject to the provisions of the last preceding section, or respecting which the Judge does not make an order of sale, as therein provided, or which is not sold under such order, the creditors shall decide at any meeting which may be held more than one month before the termination of the yearly term of the lease current at the time of such meeting, whether the property so leased should be retained for the use of the estate, only up to the end of the then current yearly term, or, if the conditions of the lease permit of further extension, also up to the end of the next following yearly term thereof, and their decision shall be final. Other cases of lease, how dealt with.

79. From and after the time fixed for the retention of the leased property for the use of the estate, the lease shall be cancelled and shall from thenceforth be inoperative and null; and so soon as the resolution of the creditors as to such retention has been passed, such resolution shall be notified to the lessor, and if he contends that he will sustain any damage by the termination of the lease under such decision, he may make a claim for such damage, specifying the amount thereof under oath, in the same manner as in ordinary claims upon the estate, and the Assignee shall proceed forthwith to make an award upon such claim, in the same manner, and after similar investigation and with the same right of appeal, as is herein provided for in case of claims or dividends objected to. If the lessor claims damages for receiving any property before the end of the lease.

80. In making such claim, and in any award thereupon, the measure of damages shall be the difference between the value of the How such damages shall be estimated.

the premises leased when the lease terminates under the resolution of the creditors, and the rent which the Insolvent had agreed by the lease to pay during its continuance ; and the chance of leasing or not leasing the premises again, for a like rent, shall not enter into the computation of such damages; and if damages are finally awarded to the lessor he shall rank for the amount upon the estate as an ordinary creditor.

Preferential claim of landlord limited.

81. The preferential lien of the landlord for rent in the Provinces of Ontario, New Brunswick or Nova Scotia is restricted to the arrears of rent due during the period of one year last previous to the execution of a deed of assignment, or the issue of a Writ of Attachment under this Act, as the case may be, and from thence so long as the Assignee shall retain the premises leased.

OF APPEAL.

Appeal to the Judge from award of assignee, and proceedings consequent upon it.

82. There shall be an appeal to the Judge from the award of an Assignee made under this Act, which Appeal shall be by summary application, of which notice shall be given to the opposite party and to the Assignee, within three days from the day on which the award is notified to the party complaining of it, and which shall be presented forthwith after the expiration of the delay required for notice of presentation ; and the Assignee shall attend before the Judge at the time and place indicated in such notice, and shall produce before him all evidence, notes of evidence, books, or proved extracts from books, documents, vouchers, and papers having reference to the matter in dispute ; and thereupon the Judge may confirm such award, or modify it, or refer it back to the Assignee for the taking of evidence, by such order as will satisfy the ends of justice ; and, pending any appeal, the Assignee shall reserve a dividend equal to the amount of the dividend claimed.

Appeal from order of Judge

83. If any of the parties to any appeal, contestation, matter or thing upon which a Judge has made any final order or judgment are dissatisfied with such order or judgment, they may in the Province of Quebec move to revise the same or any appeal therefrom in like manner as from any final judgment of the Superior Court, to the Court of Queen's Bench on the appeal side thereof; in the Province of Ontario they may appeal therefrom to either of the Superior Courts of Common Law or to the Court of Chancery, or to any one of the Judges of the said Courts; in the Province of New Brunswick to the Supreme Court of New Brunswick or to any one of the Judges of the said Court; and in the Province of Nova Scotia to the Supreme Court of Nova Scotia or to any one of the Judges of the said Court; but any appeal to a single Judge in the Provinces of Ontario, New Brunswick or Nova Scotia may, in his discretion, be referred on a special case to be settled, to the full Court, and on such terms in the mean time as he may think necessary and just.

Judge may refer it to the full Court.

84. Such appeal shall not be permitted, unless within five days from the day on which the order, or judgment is rendered, or on which, in the Province of Quebec the delay for moving to revise the same expires, if no motion in revision be made, the party desiring to appeal causes to be served upon the opposite party and upon the Assignee, an application in appeal, setting forth the proceeding before the Judge, and his decision thereon, and praying for its revision, with a notice of the day on which such application is to be presented, and also within the said period of five days causes security to be given before the Judge by two sufficient sureties, that he will duly prosecute such appeal, and pay all costs incurred by reason thereof by the respondent.

Conditions of appeal.

Security.

85. If the party appellant does not present his application on the day fixed for that purpose, the Court or Judge selected to be appealed to, as the case may be, shall order the record to be returned to the person or officer entitled to the custody thereof, and the party respondent may, on the following or any other day during the same term, produce before the Court, or within six days thereafter before the Judge, the copy of application served upon him, and obtain costs thereon against the appellant.

Costs on appellant not proceeding according to his petition.

OF FRAUDS AND FRAUDULENT PREFERENCES.

86. All gratuitous contracts or conveyances, or contracts or conveyance without consideration, or with a merely nominal consideration, respecting either real or personal estate made by a debtor afterwards becoming an Insolvent with or to any person whomsoever, whether such person be his creditor or not, within three months next preceding the date of the Assignment, or of the issue of the Writ of Attachment in compulsory liquidation, and all contracts by which creditors are injured, obstructed, or delayed, made by a debtor unable to meet his engagements, and afterwards becoming an Insolvent, with a person knowing such inability or having probable cause for believing such inability to exist, or after such inability is public and notorious, whether such person be his creditor or not, are presumed to be made with intent to defraud his creditors.

Gratuitous contracts made within three months of insolvency presumed fraudulent and void.

87. A contract or conveyance for consideration, respecting either real or personal estate, by which creditors are injured or obstructed, made by a debtor unable to meet his engagements with a person ignorant of such inability, whether such person be his creditor or not, and before such inability has become public and notorious, but within thirty days next before the execution of a deed of assignment or of the issue of a Writ of Attachment under this Act, is voidable, and may be set aside by any Court of competent jurisdiction, upon such terms as to the protection of such person from actual loss or liability by reason of such contract, as the Court may order.

Certain others voidable.

88.

All contracts made with intent to impede or defraud creditors, with the knowledge of party contracting, to be void.

88. All contracts, or conveyances made and acts done by a debtor, respecting either real or personal estate, with intent fraudulently to impede, obstruct or delay his creditors in their remedies against him, or with intent to defraud his creditors, or any of them, and so made, done and intended with the knowledge of the person contracting or acting with the debtor, whether such person be his creditor or not, and which have the effect of impeding, obstructing, or delaying the creditors of their remedies, or of injuring them or any of them, are prohibited and are null and void, notwithstanding that such contracts, conveyances, or acts be in consideration, or in contemplation of marriage.

Fraudulent preferential sales, &c., to be void.

89. If any sale, deposit, pledge, or transfer be made of any property real or personal by any person in contemplation of insolvency, by way of security for payment to any creditor, or if any property real or personal, moveable or immoveable, goods, effects, or valuable security, be given by way of payment by such person to any creditor, whereby such creditor obtains or will obtain an unjust preference over the other creditors, such sale, deposit, pledge, transfer, or payment shall be null and void, and the subject thereof may be recovered back for the benefit of the estate by the Assignee, in any Court of competent jurisdiction; and if the same be made within thirty days next before the execution of a deed of assignment, or the issue of a Writ of Attachment under this Act, it shall be presumed to have been so made in contemplation of insolvency.

And presumed fraudulent, if made within a certain time before assignment, &c.

Payments made under certain circumstances by a debtor to be void.

90. Every payment made within thirty days next before the execution of a deed of assignment, or the issue of a Writ of Attachment under this Act, by a debtor unable to meet his engagements in full, to a person knowing such inability, or having probable cause for believing the same to exist, is void, and the amount paid may be recovered back by suit in any competent Court, for the benefit of the estate; Provided always that if any valuable security be given up in consideration of such payment, such security or the value thereof, shall be restored to the creditor before the return of such payment can be demanded.

Transfers of debts of insolvent within thirty days of his insolvency to his debtors to enable them to set-off, void.

91. Any transfer of a debt due by the Insolvent, made within thirty days next previous to the execution of a deed of assignment or the issue of a Writ of Attachment under this Act, or at any time afterwards, to a debtor knowing or having probable cause for believing the Insolvent to be unable to meet his engagements, or in contemplation of his insolvency, for the purpose of enabling the debtor to set up by way of compensation or set-off the debt so transferred, is null and void as regards the estate of the Insolvent; and the debt due to the estate of the Insolvent shall not be compensated or affected in any manner by a claim so acquired; but the purchaser thereof may rank on the estate in the place and stead of the original creditor.

92.

92. Any person who purchases goods on credit or procures advances in money, knowing or believing himself to be unable to meet his engagements, and concealing the fact from the person thereby becoming his creditor, with the intent to defraud such person, or who by any false pretence obtains a term of credit for the payment of any advance or loan of money, or of the price or any part of the price of any goods, wares or merchandize, with intent to defraud the person thereby becoming his creditor, and who shall not afterwards have paid the debt or debts so incurred, shall be held to be guilty of a fraud, and shall be liable to imprisonment for such time as the Court may order, not exceeding two years, unless the debt or costs be sooner paid; and if such debt or debts be incurred by a partnership, then every member thereof who shall have known of the incurring, and of the intention to incur, such debt or debts, shall be similarly liable; provided always, that in the suit or proceeding taken for the recovery of such debt or debts, the defendant be charged with such fraud, and be declared to be guilty of it by the judgment rendered in such suit or proceeding.

Purchasing goods on credit, &c., by person knowing himself unable to pay, how punishable.

If by a firm.

Proviso.

93. Whether the defendant in any such case appear and plead, or make default, the plaintiff shall be bound to prove the fraud charged, and upon his proving it, if the trial be before a jury, the Judge who tries the suit or proceeding shall immediately after the verdict rendered against the defendant for such fraud, (if such verdict is given), or if not before a jury, then immediately upon his rendering his judgment in the premises, adjudge the term of imprisonment which the defendant shall undergo; and he shall forthwith order and direct the defendant immediately to be taken into custody and imprisoned accordingly; but such judgment shall not affect the ordinary remedies for the revision thereof, or of any proceeding in the case.

Fraud must be proved.

Award of imprisonment.

Proviso.

OF COMPOSITION AND DISCHARGE.

94. A deed of composition and discharge, executed by the majority in number of those of the creditors of an Insolvent who are respectively creditors for sums of one hundred dollars and upwards, and who represent at least three fourths in value of the liabilities of the Insolvent subject to be computed in ascertaining such proportion, shall have the same effect with regard to the remainder of his creditors, and be binding to the same extent upon him and upon them, as if they were also parties to it; and such a deed may be invoked, and acted upon under this Act although made either before, pending or after proceedings upon an assignment, or for the compulsory liquidation of the estate of the insolvent; the whole subject to the exceptions contained in section one hundred of this Act.

Deed of composition, and executed by a certain proportion of creditors to bind all.

95. Such deed of composition and discharge may be so made either in consideration of a composition payable in cash, or on terms of credit, or partially for cash and partially on credit; and the payment

Form and effect of such deed.

payment of such composition may be secured or not according to the pleasure of the creditors signing it; and the discharge therein contained may be absolute, or may be conditional upon the condition of the composition being paid; and such deed may contain instructions to the Assignee as to the manner in which he is to proceed, and to deal with the estate and effects of the Insolvent, subsequent to the deposit of such deed with him, which instructions shall be obeyed by the Assignee; but if such discharge be conditional upon the composition being paid, and the deed of composition and discharge therein contained should cease to have effect, the Assignee shall immediately resume possession of the entire estate and effects of the Insolvent in the state and condition in which they shall then be; but the creditors holding claims which were proveable before the execution of such deed shall not rank, vote or be computed as creditors concurrently with those who have acquired claims subsequent to the execution thereof for any greater sum than the balance of composition remaining unpaid; but after such subsequent creditors shall have received dividends to the amount of their claims, then such original creditors shall have the right to rank for the entire balance of their original claims then remaining unpaid, and shall be computed for all purposes for which the proportions of creditors require to be ascertained, as creditors for the full amount of such last mentioned balance.

If it be conditional upon payment of the composition.

Deed of re-conveyance by assignee to Insolvent. Its effect.

96. The re-conveyance by the Assignee to the Insolvent, or to any person for him of any part of his estate or effects, whether real or personal, if made in conformity with the terms of a deed of composition and discharge shall have the same effect (except as the same may be otherwise agreed by the conditions of such deed or re-conveyance), as if such property had been sold by the Assignee in the ordinary course, and after all the preliminary proceedings, notices and formalities herein required for such sale; and if such deed of composition and discharge be contested, and pending such contestation, any payment or instalment of the composition falls due under the terms of such deed, the payment thereof shall be postponed till after the expiration of ten days after final judgment upon such contestation; and if proceedings for revision or appeal be commenced, then until after the expiration of ten days after the judgment in revision or in appeal, as the case may be, and the deed of re-conveyance need not contain any further or more special description of the effects and property reconveyed than is required to be inserted in the deed of assignment, and may be enregistered in like manner and with like effect.

If it be contested, and a payment of composition during the contestation. Form and registration of deeds.

Duty of assignee receiving a deed of composition.

97. If the Insolvent procures and deposits with the Assignee a deed of composition and discharge, duly executed as aforesaid, the Assignee shall immediately give notice of such deposit by advertisement; and if opposition to such composition and discharge be not made by a creditor, within three juridical days after the last publication of such notice, by filing with the Assignee a

a declaration in writing, that he objects to such composition and discharge, the Assignee shall act upon such deed of composition and discharge according to its terms; but if opposition be made thereto within the said period, or if made, be not withdrawn, then he shall abstain from taking any action upon such deed until the same has been confirmed, as hereinafter provided.

98. The consent in writing of the said proportion of creditors to the discharge of a debtor absolutely frees and discharges him, after an assignment, or after his estate has been put in compulsory liquidation, from all liabilities whatsoever (except such as are hereinafter specially excepted) existing against him and proveable against his estate, which are mentioned or set forth in the statement of his affairs exhibited at the first meeting of his creditors, or which are shewn by any supplementary list of creditors furnished by the Insolvent, previous to such discharge, and in time to permit of the creditors therein mentioned obtaining the same dividend as other creditors upon his estate, or which appear by any claim subsequently furnished to the Assignee, whether such debts be exigible or not at the time of his insolvency, and whether the liability for them be direct or indirect; and if the holder of any negotiable paper is unknown to the Insolvent, the insertion of the particulars of such paper in such statement of affairs or supplementary list, with the declaration that the holder thereof is unknown to him, shall bring the debt represented by such paper, and the holder thereof, within the operation of this section.

Effect of consent of proper number of creditors to a discharge.

As to holders of negotiable paper unknown to insolvent.

99. A discharge without composition under this Act, whether consented to by any creditor or not, shall not operate any change in the liability of any person secondarily liable to such creditor for the debts of the Insolvent, either as drawer or endorser of negotiable paper, or as guarantor, surety or otherwise, nor of any partner or other person liable jointly or severally with the insolvent to such creditor for any debt; nor shall it affect any mortgage, hypothec, lien or collateral security held by any such creditor as security for any debt thereby discharged.

Discharge without composition not to affect secondary liabilities.

100. A discharge under this Act shall not apply, without the express consent of the creditor, to any debt for enforcing the payment of which the imprisonment of the debtor is permitted by this Act, nor to any debt due as damages for assault or wilful injury to the person, seduction, libel, slander, or malicious arrest, nor for the maintenance of a parent, wife or child, or as a penalty for any offence of which the insolvent has been convicted, unless the creditor thereof shall file or claim therefor; nor shall any such discharge apply without such consent, to any debt due as a balance of account due by the insolvent as an Assignee, tutor, curator, trustee, executor or administrator under a will, or under any order of court, or as a public officer; nor shall debts to which a discharge under this Act does not apply, nor any privileged debts, nor the creditors thereof, be computed in ascertaining whether a sufficient proportion of the creditors of the insolvent have

Discharge under this Act not to apply to certain debts, or liabilities.

have voted upon, done, or consented to any act, matter or thing under this Act; but the creditor of any debt due as a balance of account by the insolvent as assignee, tutor, curator, trustee, executor, administrator or public officer may claim and accept a dividend thereon from the estate without being, by reason thereof in any respect affected by any discharge obtained by the insolvent.

Confirmation of discharge, and on what conditions it shall be granted.

101. An insolvent who has procured a consent to his discharge or the execution of a deed of composition and discharge, within the meaning of this Act, may file in the office of the court the consent or deed of composition and discharge, and may then give notice (Form N.) of the same being so filed, and of his intention to apply by petition to the Court in the Provinces of Quebec or Nova Scotia, or in the Provinces of Ontario or New Brunswick to the Judge, on a day named in such notice (which however shall not be before the day on which a dividend may be declared under this Act), for a confirmation of the discharge effected thereby; and such notice shall be given by advertisement in the official *Gazette* for one month, and also for the same period, if the application is to be made in the Province of Ontario, New Brunswick or Nova Scotia, in one newspaper, and if in the Province of Quebec, in one newspaper published in French, and in one newspaper published in English, in or nearest the place of residence of the insolvent; and upon such application, any creditor of the insolvent or his Assignee under the authority of the creditors, may appear and oppose such confirmation, either upon the ground of fraud or fraudulent preference within the meaning of this Act, or of fraud or evil practice in procuring the consent of the creditors to the discharge, or their execution of the deed of composition and discharge, as the case may be, or of the insufficiency in number or value of the creditors consenting to or executing the same, or of the fraudulent retention and concealment by the insolvent of some portion of his estate or effects, or of the evasion, prevarication or false swearing of the insolvent upon examination as to his estate and effects, or upon the ground that the insolvent has not kept an account book shewing his receipts and disbursements of cash, and such other books of account as are suitable for his trade, or, that having at any time kept such book or books, he has refused to produce or deliver them to the Assignee, or that he is wilfully in default to obey any provision of this Act, or any order of the Court or Judge; and if any of the said grounds be proved, the confirmation of his discharge shall be refused and such discharge set aside and annulled; but in the Provinces of Ontario and Quebec, the omission to keep such books before the coming into force of the Insolvent Act of 1864, and in the Provinces of New Brunswick and Nova Scotia, such omission previous to the coming into force of this Act, shall not be a sufficient ground for contesting the confirmation of the discharge of an Insolvent; And provided further that any act on the part of the Insolvent, which might be held to be an act of fraud or fraudulent preference within the meaning of the Insolvent Act of 1864, or this Act, but which would not amount to fraud if the said Act

Creditors or Assignees may oppose on certain grounds.

Proviso; as to non-keeping of certain books.

Further provision as to acts of fraud or preference, committed before certain periods.

Act or this Act had not been passed, shall not be a ground for contesting the confirmation of the discharge of any Insolvent, if such act was done by the Insolvent, in the Province of Ontario or Quebec, before the coming in force of the Insolvent Act of 1864, or in the Province of Nova Scotia or New Brunswick, before the coming into force of this Act.

102. If the insolvent does not deposit such consent or such deed of composition and discharge, as the case may be, in the court, and give notice of his application for a confirmation of such discharge, within one month from the time at which the same has been effected under this Act, and proceed therewith thereafter according to such notice, any creditor for a sum exceeding two hundred dollars, may cause to be served a notice in writing upon the insolvent, requiring him to file in the Court the consent, or the deed of composition and discharge, as the case may be; and may thereupon give one month's notice to the Insolvent (Form O.) of his intention to apply by petition to the Court or Judge who has authority under this Act to confirm such discharge, on a day named in such notice, for the annulling of the discharge; and on the day so named may present a petition to the Court or Judge, in accordance with such notice, setting forth the reasons in support of such application, which may be any of the reasons upon which a confirmation of discharge may be opposed; and upon such application, if the insolvent has not at least one week before the day fixed for the presentation thereof, filed in the office of the court the consent or deed under which the discharge is effected, the discharge shall be annulled without further inquiry except as to the service upon him of the notice to file the same; but if such consent or deed be so filed, or if upon special application, leave be granted him to file the same at a subsequent time and he do then file the same, the Court or Judge, as the case may be, shall proceed thereon as upon an application for confirmation of such discharge.

If the insolvent does not file the consent or deed, for confirmation within a certain time, a creditor may notify him to do so, and apply for an order annulling the deed.

Proviso: if the deed be filed.

103. The Court or Judge, as the case may be, upon hearing the application for confirmation of such discharge, the objections thereto, and any evidence adduced, shall have power to make an order, either confirming the discharge or annulling the same according to the effect of the evidence so adduced; but if such evidence should be insufficient to sustain any of the grounds hereinbefore detailed as forming valid grounds for contesting such confirmation, but should nevertheless establish that the insolvent has been guilty of misconduct in the management of his business, by extravagance in his expenses, recklessness in endorsing or becoming surety for others, continuing his trade unduly after he believed himself to be insolvent, incurring debts without a reasonable expectation of paying them (of which reasonable expectation the proof shall lie on him, if such debt was contracted within thirty days of an assignment or the issue of a Writ of Attachment); or negligence in keeping his books and accounts; or if such facts be alledged by any contestation praying for the suspension of the discharge

Powers of Court or Judge on application for confirmation of discharge, &c.

 of

of the insolvent, or for its classification as second class, the Court or Judge may thereupon order the suspension of the operation of the discharge of the insolvent for a period not exceeding five years or may declare the discharge to be of the second class, or both, according to the discretion of the Court or Judge.

How the discharge shall be provable.

104. Until the Court or Judge, as the case may be, has confirmed such discharge, the burden of proof of the discharge being completely effected under the provisions of this Act, shall be upon the insolvent; but the confirmation thereof, if not reversed in appeal, shall render the discharge thereby confirmed, final and conclusive; and an authentic copy of the judgment confirming the same shall be sufficient evidence as well of such discharge as of the confirmation thereof.

Application to Court or Judge for discharge, if not obtained from creditors.

105. If, after the expiration of one year from the date of an assignment made under this Act, or from the date of the issue of a writ of attachment thereunder, as the case may be, the insolvent has not obtained from the required proportion of his creditors a consent to his discharge, or the execution of a deed of composition and discharge, he may apply by petition to the Court or Judge, having power hereunder to confirm his discharge if consented to, to grant him his discharge, first giving notice of such application, (Form P.) for one month in the manner hereinbefore provided for notice of application for confirmation of discharge.

Proceedings on such application: and powers of the Court or Judge.

106. Upon such application, any creditor of the insolvent, or the assignee by authority of the creditors, may appear and oppose the granting of such discharge upon any ground upon which the confirmation of a discharge may be opposed under this Act, or may claim the suspension or classification of the discharge or both; and whether such application be contested or not it shall be incumbent upon the Insolvent to prove that he has in all respects conformed himself to the provisions of this Act; and he shall submit himself to any order which the Court or Judge may make, upon or without an application to that effect, to the end that he be examined touching his estate and effects and his conduct and management of his affairs and business generally, and touching each and every detail and particular thereof; and the Court or Judge may also require from the Assignee a report in writing upon the conduct of the Insolvent and the state of his books and affairs before and at the date of his insolvency; and thereupon the Court or Judge, as the case may be, after hearing the insolvent, and the opposant, if any, and any evidence that may be adduced, may make an order either granting the discharge of the insolvent or refusing it; or in like manner and under the like circumstances to those in and upon which the discharge could be suspended or classified as hereinbefore provided upon an application to confirm it, an order may be made suspending it for a like period, or declaring it to be of the second class, or both.

107.

107. At any time before judgment upon an application for obtaining a discharge, the creditors or the same proportion of them that may bind the remainder by a consent to a discharge, may file before the Court, or Judge before whom such application is pending, a declaration in writing, setting forth that it is their desire that the discharge of the Insolvent should (if granted) be suspended for a period therein named not exceeding five years, or that it should be classed as second class, or both; and thereupon if such Court or Judge should be of opinion that the Insolvent is not shewn to have done or omitted anything, the doing or omission of which would deprive him of the right to his discharge under this Act (but not otherwise) and shall therefore be of opinion to grant his discharge, such Judge shall declare such opinion, and shall thereupon grant such discharge, but shall suspend the same as required by such declaration of the creditors. **Suspension of discharge, or its classification as second class, on application of creditors.**

108. Every consent to a discharge or composition, and every discharge or confirmation, of any discharge or composition, which has been obtained by fraud or fraudulent preference, or by means of the consent of any creditor procured by the payment or promise of payment to such creditor, of any valuable consideration for such consent, or by any fraudulent contrivance or practice whatever tending to defeat the true intent and meaning of the provisions of this Act in that behalf, shall be null and void. **Discharge obtained by fraud, to be void.**

EXAMINATION OF THE INSOLVENT AND OTHERS.

109. Immediately upon the expiry of the period of one month from the first insertion of the advertisement giving notice of the appointment of an assignee, a meeting of the creditors shall be held for the public examination of the insolvent, who shall be summoned to attend such meeting, the same being first duly called by advertisement; and at such meeting the insolvent may be examined on oath, sworn before the assignee, by or on behalf of any creditor present, in his turn; and the examination of the insolvent shall be reduced to writing by the assignee, and signed by the insolvent; and any question put to the insolvent at such meeting which he shall answer evasively or refuse to answer, shall also be written in such examinaion, with the replies made by the insolvent to such questions; and the insolvent shall sign such examination, or if he refuse to sign the same, his refusal shall be entered at the foot of the examination, with the reasons of such refusal, if any, as given by himself; and such examination shall be attested by the assignee and shall be filed in the office of the Court. **Examination of insolvent, and how conducted and recorded.** **How attested.**

110. The insolvent may also be from time to time examined as to his estate and effects upon oath, before the Judge, by the assignee or by any creditor, upon an order from the Judge obtained without notice to the Insolvent, upon petition, setting forth satisfactory reasons for such order,—and he may also be examined in like manner upon a *subpœna* issued as of course without such order, in any case in which a writ of attachment has been issued against **Further examination of Insolvent.**

against his estate and effects; which *subpœna* may be procured by the plaintiff, or by any creditor intervening in the action for that purpose, or by the assignee, at any time after the return of the writ of attachment.

Subsequent examination on application for discharge, &c.

111. The insolvent may also be examined on his application for a discharge or for confirmation of a discharge, or upon the application of any creditor for annulling a discharge; or upon any petition by him in the course of proceedings for the compulsory liquidation of his estate.

Other persons may be examined on order of the Judge.

112. Any other person who is believed to possess information respecting the estate or effects of the insolvent, may also be from time to time examined before the Judge upon oath, as to such estate or effects upon an order from the Judge to that effect, which order the Judge may grant upon petition setting forth satisfactory reasons for such order, without notice to the insolvent or to the person to be so examined.

Insolvent to attend meetings of creditors.

113. The insolvent shall attend all meetings of his creditors, when summoned so to do by the assignee, and shall answer all questions that may be put to him at such meetings touching his business, and touching his estate and effects; and for every such attendance he shall be paid such sum as shall be ordered at such meeting, but not less than one dollar.

Examination of wife or husband of Insolvent.

114. If it be made known to the Judge by the Assignee by petition substantiated under oath, that any probable cause exists therefor, the Judge may order the wife or husband of the Insolvent, as the case may be, to be examined as to the reception, use, retention or concealment by or on behalf of the Insolvent, or by or on behalf of the person so examined, or any other person, of any of the estate or effects of the Insolvent.

OF PROCEDURE GENERALLY.

Form of deeds under this Act, and their effect in Provinces other than that in which they are executed.

115. All deeds of assignment, of transfer, of composition and of reconveyance, shall be executed in the manner in which deeds are usually executed in the Province wherein such deeds shall respectively bear date;—And if such deeds be executed in any part of Canada other than the Province of Quebec, according to the form of execution of deeds prevailing there, they shall have the same force and effect in the Province of Quebec as if they had been executed in that Province before a Notary; and if such deeds be executed in that Province before a Notary they shall have the same force and effect elsewhere in the Dominion as if they had been executed according to the law in force in such other Province; and copies of such deeds, certified as aforesaid, shall constitute before all courts and for all purposes, *primâ facie* proof of the execution and of the contents of the originals of such deeds respectively, without production of the originals thereof.

116.

116. The operation of sections ten and twenty-nine of this Act, shall extend to all the assets of the insolvent, of every kind and description, although they are actually under seizure under any ordinary writ of attachment, or under any writ of execution, so long as they are not actually sold by the Sheriff or Sheriff's officer under such writ; but in the Provinces of Nova Scotia and New Brunswick this section shall not apply to any writ of execution in the hands of the Sheriff, at the time of the coming into force of this Act; and the rights, liens and privileges of the seizing or attaching creditor, for his costs upon any such writ, shall be the same as they were previous to the passing of this Act, in the Province in which such writ shall have issued.

To what assets certain sections shall apply.

Proviso: as to certain Provinces; and as to costs.

117. Notices of meetings of creditors and all other notices herein required to be given by advertisement, without special designation of the nature of such notice, shall be so given by publication thereof for two weeks in the *Official Gazette*, also in the Province of Quebec in every issue during two weeks of one newspaper in English and one in French, and in the Provinces of Ontario, New Brunswick and Nova Scotia, in one newspaper in English, published at or nearest to the place where the insolvent has his chief place of business; and in any case, unless herein otherwise provided, the Assignee or person giving such notice shall also address notices thereof to all creditors and to all representatives of foreign creditors within Canada, and shall mail the same with the postage thereon paid, at the time of the insertion of the first advertisement.

Notices under this Act, how given.

118. All questions discussed at meetings of creditors shall be decided by the majority in number of all creditors for sums of one hundred dollars and upwards, present or represented at such meeting, and representing also the majority in value of such creditors, unless herein otherwise specially provided; but if the majority in number do not agree with the majority in value, the views of each section of the creditors shall be embodied in resolutions, and such resolutions with a statement of the vote taken thereon, shall be referred to the Judge, who shall decide between them.

How questions at meetings of creditors shall be decided.

119. If for any purpose it becomes necessary to ascertain the proportion of the creditors of an insolvent who have voted at any meeting or concurred in any act or document, and if it be found that the whole of the creditors holding claims against an insolvent for sums of one hundred dollars and upwards, do not represent the proportion in value of the liabilities of the insolvent subject to be computed in that behalf and required to give validity to such vote, act or documents such proportion may be completed by the votes or concurrence of creditors holding claims of less than one hundred dollars.

Questions as to number and value of creditors voting, how decided.

120. Whenever a meeting of creditors cannot be held, or an application made, until the expiration of a delay named herein, notice of such meeting or application may be given pending such delay.

Notice pending delay.

121.

Certain things may be done at first meeting, though not mentioned in notice.

121. If the first meeting of creditors which takes place after the expiry of the period of one month from the advertisement of the appointment of an assignee be called for the ordering of the affairs of the estate generally, and it be so stated in the notices calling such meeting, all the matters and things respecting which the creditors may vote, resolve or order, or which they may regulate under this Act, may be voted, resolved or ordered upon and may be regulated at such meeting, without having been specially mentioned in the notices calling such meeting, notwithstanding anything to the contrary in this Act contained, due regard being had, however, to the proportions of creditors required by this Act for any such vote, resolution, order or regulation.

Form and attestarion of claims, and before whom to be attested.

122. The claims of creditors (Form Q) shall be furnished to the Assignee or interim Assignee as the case may be, in writing, and they shall be attested under oath, taken in Canada before the Assignee or before any Judge, Commissioner for taking affidavits, or Justice of the Peace, and out of Canada before any Judge of a Court of Record, any Commissioner for taking affidavits appointed by any Canadian Court, the Chief Municipal Officer for any town or city, or any British Consul or Vice-Consul, or before any person authorized by any statute of Canada or of any Province therein to take affidavits to be used in any part of Canada.

Affidavits, before whom to be made.

123. Any affidavit requiring to be sworn in proceedings in insolvency, may be sworn before any Commissioner for taking affidavits, appointed by any of the Courts of Law or of Equity in any of the said Provinces; or before any Judge having civil jurisdiction in any of the said Provinces; and such affidavit may be made by the party interested, or by his agent in that behalf having a personal knowledge of the matters therein stated.

Set-offs, how allowed.

124. The Statutes of set-off shall apply to all claims in insolvency and also to all suits instituted by an Assignee for the recovery of debts due to the insolvent, in the same manner and to the same extent as if the insolvent were plaintiff or defendant, as the case may be, except in so far as any claim for set-off shall be affected by the provisions of this Act respecting frauds or fraudulent preferences.

Service of papers under this Act.

125. One clear day's notice of any petition, motion, order or rule, shall be sufficient if the party notified resides within fifteen miles of the place where the proceeding is to be taken, and one extra day shall be sufficient allowance for each additional fifteen miles of distance between the place of service and the place of proceeding; and service of such notice shall be made in such manner as is now prescribed for similar services in the Province within which the service is made.

Commissions for examination of witnesses.

126. The Judge shall have the same power and authority in respect of the issuing and dealing with commissions for the examination of witnesses, as are possessed by the ordinary Courts of Record

Record in the Province in which the proceedings are being carried on, and may also on petition of either of the parties to a contestation before an Assignee, order the issue of such a commission by the Assignee.

127. In any proceeding or contestation in insolvency, the Court or Judge, or the Assignee as the case may be, may order a writ of *subpœna ad testificandum* or of *subpœna duces tecum* to issue, commanding the attendance as a witness of any person within the limits of Canada. **Subpœnas to witness.**

128. All rules, writs of subpœna, orders and warrants, issued by any Judge, Court or Assignee in any matter or proceeding under this Act, may be validly served in any part of Canada upon the party affected or to be affected thereby; and the service of them, or any of them, may be validly made in such manner as is now prescribed for similar services in the Province within which the service is made; and the person charged with such service shall make his return thereof and on oath, or, if a Sheriff or Bailiff in the Province of Quebec, may make such return under his oath of office. **Service of process, &c.**

129. In case any person so served with a writ of *subpœna* or with an order to appear for examination, does not appear according to the exigency of such writ or process, the Court or the Judge on whose order or within the limits of whose territorial jurisdiction the same is issued, may, upon proof made of the service thereof, and of such default, if the person served therewith has his domicile within the limits of the Province within which such writ or process issued, constrain such person to appear and testify, and punish him for non-appearance or for not testifying in the same manner as if such person had been summoned as a witness before such Court or Judge, in an ordinary suit; and if the person so served and making default, has his domicile beyond the limits of the Province within which such writ or process issued, such Court or Judge may transmit a certificate of such default to any of Her Majesty's Superior Courts of Law or Equity in that part of Canada in which the person so served may reside, and the Court to which such certificate is sent, shall thereupon proceed against and punish such person so having made default, in like manner as it might have done if such person had neglected or refused to appear to a writ of subpœna or other similar process issued out of such last mentioned Court; and such certificate of default signed by the Court, Judge or Assignee before whom default was made and copies of such writ, process and of the return of service thereof certified by the Clerk of the Court in which the order of transmission is made, shall be *primâ facie* proof of such writ or process, service, return, and of such default. **Disobedience of writs and process, how punishable.** **Proof of default.**

130. No such certificate of default shall be so transmitted, nor shall any person be punished for neglect or refusal to attend for examination in obedience to any such subpœna or other similar process **Expenses must be tendered to person summ-**

moned as a witness, &c.

process, unless it be made to appear to the Court or Judge transmitting, and also to the Court receiving such certificate, that a reasonable and sufficient sum of money, according to the rate *per diem*, and per mile allowed to witnesses by the law and practice of the Superior Courts of Law within the jurisdiction of which such person was found, to defray the expenses of coming and attending to give evidence, and of returning from giving evidence, had been tendered to such person at the time when the writ of subpœna, or other similar process, was served upon him.

Forms under this Act.

131. The forms appended to this Act, or other forms in equivalent terms, shall be used in the proceedings for which such forms are provided; and in every contestation of a claim, collocation, or dividend or of an application for a discharge, or for confirming or annulling a discharge, the facts upon which the contesting party relies, shall be set forth in detail, with particulars of time, place and circumstance, and no evidence shall be received upon any fact not so set forth; but in every petition, application, motion, contestation, or other pleading under this Act, the parties may state the facts upon which they rely, in plain and concise language, to the interpretation of which the rules of construction applicable to such language in the ordinary transactions of life shall apply.

Construction of statements.

Foreign discharges not to bar debts contracted in Canada.

132. No plea or exception alleging or setting up any discharge or certificate of discharge, granted under the Bankrupt or Insolvent Law, of any country whatsoever beyond the limits of Canada, shall be a valid defence or bar to any action instituted in any Court of competent jurisdiction in Canada, for the recovery of any debt or obligation contracted within such limits.

As to amendments in proceedings under this Act.

133. The rules of procedure as to amendments of pleadings, which are in force at any place where any proceedings under this Act are being carried on, shall apply to all proceedings under this Act; and any Court or Judge, or Assignee, before whom any such proceedings are being carried on, shall have full power and authority to apply the appropriate rules as to amendments, to the proceedings so pending before him; and no pleading or proceeding shall be void by reason of any irregularity or default which can or may be amended under the rules and practice of the Court.

Provision in case of death of insolvent.

134. The death of the Insolvent, pending proceedings upon a voluntary assignment or in compulsory liquidation, shall not affect such proceedings, or impede the winding up of his estate; and his heirs or other legal representatives may continue the proceedings on his behalf to the procuring of a discharge, or of the confirmation thereof, or of both; and the provisions of this Act shall apply to the heirs, administrators or other legal representatives of any deceased person who, if living, would be subject to its provisions, but only in their capacity as such heirs, administrators or representatives, without their being held to be liable

Representatives, how far liable.

for

for the debts of the deceased, to any greater extent than they would have been if this Act had not been passed.

135. The costs of the proceedings in Insolvency up to and inclusive of the notice of the appointment of the Assignee, shall be paid by privilege as a first charge upon the assets of the insolvent; the disbursements necessary for winding up the estate shall be the next charge on the property chargeable with any mortgage, hypothec or lien, and upon the unincumbered assets of the estate respectively, in such proportions as may be justified by the nature of such disbursements, and their relation to the property as being incumbered or not, as the case may be; and the remuneration of the assignee and the costs of the judgment of confirmation of the discharge of the insolvent, or of the discharge if obtained direct from the Court, and the costs of the discharge of the assignee being first taxed by the Judge at the tariff, or if there be no tariff at the same rate as is usual for uncontested proceedings of a similar character, after notice to the inspectors, or to at least three creditors, shall also be paid therefrom as the last privileged charge thereon. Costs; on what property and in what order chargeable.

136. The Judge shall have the power, upon special cause being shewn before him under oath for so doing, to order the Postmaster at the place of residence of the insolvent, to deliver letters addressed to him received at such Post Office to the Assignee, and to authorize the Assignee to open such letters in the presence of the Prothonotary or Clerk of the Court of which such Judge is a member; and if such letters be upon the business of the estate the Assignee shall retain them, giving communication of them however to the insolvent on request; and if they be not on the business of the estate they shall be resealed, endorsed as having been opened by the Assignee and returned to the Post Office; and a memorandum in writing of the doings of the Assignee in respect of such letters, shall be made and signed by him and by the Prothonotary or Clerk, and deposited in the Court. Provision as to letters addressed to Insolvent by Post.

137. If the Judge holds a claim against the estate of an insolvent he shall be *ipso facto* disqualified from acting as a Judge in any matter connected with such claim; and in such case the Judge competent to act in matters of insolvency, in any of the counties adjoining that in which the insolvent has his chief place of business, and who is not disqualified under this section, shall be the Judge who shall have jurisdiction in such matter, in the place and stead of the Judge so disqualified; and if the Assignee to any estate be a claimant thereon as a creditor, or be collocated for any charges or remuneration, or be the agent, attorney or representative of any claimant thereon, he shall not hear, award or determine upon any contestation of his own claim or collocation, or of the claim of the person represented by him, or of any dividend thereon, or upon any contestation or issue raised by him, or by the person represented by him; but in such case such contestation shall Provision as to cases in which the Judge or Assignee has a claim on the Estate.

shall be decided by the Judge, subject to appeal, as hereinbefore provided; and upon a suggestion being filed before the Judge, or the Assignee, as the case may be, of his disqualification under this section, the Judge or Assignee shall be bound within twenty-four hours thereafter, to declare under his hand, by a writing filed with the Assignee, whether such Judge or Assignee is so disqualified or not, and if he does not, he shall be conclusively held to be so disqualified; and the validity or correctness of such declaration may be contested, in the case of the Judge, by summary petition before the Judge who would be competent to act in the place or stead of the Judge alleged to be disqualified, and in the case of the Assignee, by the Judge.

Rules of practice and Tariff of Fees in the Province of Quebec; how to be made.

138. In the Province of Quebec, rules of practice for regulating the due conduct of proceedings under this Act, before the Court or Judge, and tariffs of fees for the officers of the Court, and for the Advocates and Attorneys practising in relation to such proceedings, shall be made forthwith after the passing of this Act, and when necessary repealed or amended, and shall be promulgated, under or by the same authority and in the same manner as the rules of practice and tariff of fees of the Superior Court, and shall apply in the same manner and have the same effect in respect of the proceedings under this Act, as the rules of practice and tariff of fees of the Superior Court apply to and affect the proceedings before that Court; and Bills of costs upon proceedings under this Act may be taxed and proceeded upon in like manner, as bills of costs may now be taxed and proceeded upon in the said Superior Court; but until such rules of practice and tariff of fees have been made, the rules of practice and tariff of fees in Insolvency, now in force in the said Province, shall continue and remain in full force and effect.

Present rules, &c., to remain until altered.

And in the other Provinces.

139. In the Province of Ontario the Judges of the Superior Courts of Common Law, and of the Court of Chancery, or any five of them, of whom the Chief Justice of the Province of Ontario, or the Chancellor, or the Chief Justice of the Common Pleas, shall be one,—in the Province of New Brunswick, the Judges of the Supreme Court of New Brunswick, or the majority of them,—and in the Province of Nova Scotia, the Judges of the Supreme Court of Nova Scotia, or the majority of them,—shall forthwith make, and frame and settle such forms, rules and regulations, as shall be followed and observed in the said Provinces respectively, in the proceedings in insolvency under this Act, and shall fix and settle the costs, fees and charges which shall or may be had, taken or paid in all such cases by or to Attorneys, Solicitors, Counsel, and Officers of Courts, whether for the Officer or for the Crown as a fee for the fee fund or otherwise, and by or to Sheriffs, Assignees or other persons whom it may be necessary to provide for.

Registration of marriage contracts of traders in Quebec.

140. In the Province of Quebec every trader having a marriage contract with his wife, by which he gives or promises to give or pay or cause to be paid, any right, thing, or sum of money, shall enregister

enregister the same, if it be not already enregistered, within three months from the execution thereof; and every person not a trader, but hereafter becoming a trader, and having such a contract of marriage with his wife, shall cause such contract to be enregistered as aforesaid (if it be not previously there enregistered,) within thirty days from becoming such trader; and in default of such registration the wife shall not be permitted to avail herself of its provisions in any claim upon the estate of such insolvent for any advantage conferred upon or promised to her by its terms; nor shall she be deprived by reason of its provisions of any advantage or right upon the estate of her husband, to which, in the absence of any such contract, she would have been entitled by law; but this section shall be held to be only a continuance of the second paragraph of section twelve of the Insolvent Act of 1864, and shall not relieve any person from the consequences of any negligence in the observance of the provisions of the said paragraph.

Consequence of default.

Proviso.

141. The words "any official assignee," used in the second section of the Act twenty-ninth Victoria, chapter eighteen, are hereby declared to have meant, and to mean, any official assignee whatever, and shall be construed as if they were followed by the words "resident or appointed, in any part of the Province of Canada:" But this declaration shall not affect any contestation heretofore determined or now pending respecting the validity of any assignment heretofore made to an official assignee resident in a county or district different from that in which the domicile or place of business of the insolvent was situate at the time of such assignment.

Certain words in 29 Vic., c. 18, interpreted.

142. The words "before Notaries" or "before a Notary" shall mean executed in notarial form, according to the law of the Province of Quebec; the words "the Judge" shall, in the Province of Quebec, signify a Judge of the Superior Court of the Province of Quebec, having jurisdiction at the domicile of the insolvent,—in the Provinces of Ontario and New Brunswick a Judge of the County Court of the County or Union of Counties in which the proceedings are carried on,—and in the Province of Nova Scotia, a Judge of Probate,—except in cases proceeding in the city of Halifax, in which case they shall mean a Judge of the Supreme Court of Nova Scotia; and the words "the Court," shall, in the Province of Quebec, signify the said Superior Court, and in the Provinces of Ontario and New Brunswick the County Court, and in the Province of Nova Scotia the Supreme Court of Nova Scotia, unless it is otherwise expressed or unless the context plainly requires a different construction.

Certain words in this Act interpreted.

143. The word "day" shall mean a juridical day; the words "Official Gazette" shall mean the Gazette which is used in any Province as the official medium of communication between the Lieutenant Governor and the people; the word "Creditor" shall be held to mean every person to whom the insolvent is liable, whether primarily or secondarily, and whether as principal or

Other words interpreted. "Day." "Official Gazette." "Creditor."

surety,

surety, and who shall have proved his claim against the estate of an insolvent in the manner provided by this Act; but no proceeding, discharge or composition had or consented to previous to the passing of this Act, and not now the subject of dispute and in litigation on the ground that a creditor voting thereon or a party thereto had not proved his claim shall be held invalid by reason of any such creditor not having previously proved his claim as aforesaid, notwithstanding that such creditor or the claims he represents be requisite to complete the proportion necessary to give validity under this Act to such proceeding, discharge or composition; the word "collocated" shall mean ranked or placed in the dividend sheet for some dividend or sum of money; and all the provisions of this Act shall be held to apply equally to unincorporated trading companies and co-partnerships; and the chief office or chief place of business of such unincorporated trading companies and co-partnerships shall be their domicile or place of business as the case may be for the purposes of this Act: and the words "Board of Trade" in the said Act, are hereby declared to have meant and in this Act shall mean any body of persons openly exercising the ordinary functions of a Board of Trade or Chamber of Commerce whether incorporated or not.

"Collocated."

Application to companies and partnerships.

"Board of Trade."

Limitation of proceedings to set aside anything done under this Act.

144. After the expiration of one year from the appointment of an Assignee, no suit or proceeding shall be instituted or commenced for the setting aside of any Act or proceeding preliminary to such appointment or of such appointment; nor shall any such appointment or the proceedings preliminary thereto be impeached, or the validity thereof put in issue by any pleading in any suit or proceeding; but after the expiration of the said period, as to all persons not previously contesting the same and until set aside by the decision of a Court of law or of equity, upon a previous contestation thereof, such appointment and the proceedings preliminary thereto, shall be conclusively presumed to be valid and sufficient.

OF IMPRISONMENT FOR DEBT

Insolvent in Gaol or on the limits may apply to Judge for discharge.

Proceedings thereon.

145. Any debtor confined in gaol or on the limits in any civil suit who may have made the assignment provided for in the second section of this Act; or against whom process for compulsory liquidation under this Act may have been issued, may at any time after the meeting of creditors provided for in the third Section of this Act, or the appointment of an Assignee under this Act, make application to the Judge of the County or District in which his domicile may be or in which the gaol may be in which he is confined, for his discharge from imprisonment or confinement in such suit; and thereupon such Judge may grant an order in writing directing the Sheriff or Gaoler to bring the debtor before him for examination at such time and place in such County or District as may be thought fit; and the said Sheriff or Gaoler shall duly obey such order, and shall not be liable for any action for escape in consequence thereof, or for any action for the escape of

of the said debtor from his custody, unless the same shall have happened through his default or negligence:

2. In pursuance of such order the said confined debtor and any witnesses subpoenaed to attend and give evidence at such examination may be examined on oath at the time and place specified in such order before such Judge, and if on such examination it shall appear to the satisfaction of the Judge that the said debtor has *bonâ fide* made an assignment as required by the tenth Section of this Act, and has not been guilty of any fraudulent disposal, concealment or retention of his estate or any part thereof or of his books and accounts or any material portion thereof or otherwise in any way contravened the provisions of this Act, such Judge shall by his order in writing discharge the debtor from confinement or imprisonment, and on production of the order to the Sheriff or Gaoler, the debtor shall be forthwith discharged without payment of any gaol fees; provided always that no such order shall be made in any suit unless it be made to appear to the satisfaction of such Judge that at least seven days notice of the time and place of the said examination had been previously given to the plaintiff in such suit, or his attorney and to the Assignee for the time being;

Examination of insolvent and witnesses.

Judge may discharge him if the examination be satisfactory.

3. The minutes of the examination herein mentioned shall be filed in the office of the Clerk of the Court out of which the process issued, and a copy thereof shall be delivered to the Assignee, and if during the examination, or before any order be made the Official Assignee or the appointed Assignee, or the creditor or any one of the creditors at whose suit or suits he shall be in custody, shall make affidavit that he has reason to believe that the debtor has not made a full disclosure in the matters under examination, the Judge may grant a postponement of such examination for a period of not less than seven days nor more than fourteen days, unless the parties consent to an earlier day;

Minutes of examination to be kept.

Postponement in certain cases.

4. After such discharge, in case of any subsequent arrest in any civil suit as aforesaid for causes of action arising previous to the assignment or process for compulsory liquidation, the said debtor may, pending the further proceedings against him under this Act, be forthwith discharged from confinement or imprisonment in such suit, on application to any Judge on producing such previous discharge; provided that nothing in this section contained shall interfere with the imprisonment of the said debtor, in pursuance of any of the provisions of this Act.

As to any subsequent arrest.

Proviso.

OFFENCES AND PENALTIES.

146. Every Interim Assignee to whom an assignment is made under this Act, every guardian appointed under a writ of attachment in compulsory liquidation, and every Assignee appointed under the provisions of this Act, is an agent within the meaning of the seventy-sixth and following sections of the *Act respecting Larceny*

Assignees, Guardians, and Interim Assignees, to be deemed agents for certain purposes.

Larceny and other similar offences, and every provision of this Act, or resolution of the creditors, relating to the duties of an interim Assignee, guardian or Assignee, shall be held to be a direction in writing, within the meaning of the said seventy-sixth section; and in an indictment against an interim Assignee, guardian or Assignee under any of the said sections, the right of property in any moneys, security, matter or thing, may be laid in "the creditors of the insolvent (*naming him*,) under the Insolvent Act of 1869," or in the name of any Assignee subsequently appointed, in his quality of such Assignee.

Certain acts by Insolvents to be misdemeanors.

147. From and after the coming into force of this Act, any insolvent who shall do any of the acts or things following with intent to defraud, or defeat the rights of his creditors, shall be guilty of a misdemeanor, and shall be liable, at the discretion of the Court before which he shall be convicted, to punishment by imprisonment for not more than three years, or to any greater punishment attached to the offence by any existing statute :

Not fully discovering or not delivering property, books, papers, &c.

If he shall not upon examination fully and truly discover to the best of his knowledge and belief, all his property, real and personal, inclusive of his rights and credits, and how and to whom, and for what consideration, and when he disposed of, assigned or transferred thereof or of any part thereof, except such part has been really and *bonâ fide* before sold or disposed of in the way of his trade or business, if any, or laid out in the ordinary expenses of his family, or shall not deliver up to the Assignee all such part thereof as is in his possession, custody or power, (except such portion thereof as is exempt from seizure as hereinbefore provided,) and also all books, papers and writings in his possession, custody or power relating to his property or affairs;

Removing property.

If within thirty days prior to the execution of a deed of assignment, or the issue of a writ of attachment under this Act, he shall, with intent to defraud his creditors, remove, conceal or embezzle any part of his property, to the value of fifty dollars or upwards;

Not denouncing false claims.

If in case of any person having to his knowledge or belief proves a false debt against his estate, he shall fail to disclose the same to his Assignee within one month after coming to the knowledge or belief thereof;

False schedule.

If he shall with intent to defraud, wilfully and fraudulently omit from his schedule any effects or property whatsoever;

Withholding books, &c.

If he shall with intent to conceal the state of his affairs, or to defeat the object of this Act or of any part thereof, conceal, or prevent or withhold the production of any book, deed, paper or writing relating to his property, dealings or affairs;

Falsifying books, &c.

If he shall with intent to conceal the state of his affairs, or to defeat the object of the present Act, or of any part thereof, part with,

with, conceal, destroy, alter, mutilate or falsify, or cause to be concealed, destroyed, altered, mutilated or falsified, any book, paper, writing or security or document relating to his property, trade, dealings or affairs, or make or be privy to the making of any false or fraudulent entry or statement in or omission from any book, paper, document or writing relating thereto;

If he shall, at his examination at any time, or at any meeting of his creditors held under this Act, have attempted to account for any of his property by fictitious losses or expenses; Stating fictitious losses.

If within the three months next preceding the execution of a deed of assignment, or the issue of a writ of attachment in compulsory liquidation, he pawns, pledges, or disposes of, otherwise than in the ordinary way of his trade, any property, goods or effects the price of which shall remain unpaid by him during such three months. Disposing of goods not paid for.

148. All offences punishable under this Act shall be tried as other offences of the same degree are triable in the province where such offence is committed, save that the Jury empanelled to try the same shall be a special Jury, to obtain which the prosecuting officer is required and authorized to take such proceedings as in a civil case are necessary to obtain such a Jury. How offences against this Act shall be tried.

149. If any creditor of an insolvent, directly or indirectly, takes or receives from such insolvent, any payment, gift, gratuity or preference, or any promise of payment, gift, gratuity or preference, as a consideration or inducement to consent to the discharge of such insolvent, or to execute a deed of composition and discharge with him, or if any creditor knowingly ranks upon the estate of the insolvent for a sum of money not due to him by the insolvent or by his estate, such creditor shall forfeit and pay a sum equal to treble the value of the payment, gift, gratuity or preference so taken, received or promised, or treble the amount improperly ranked for as the case may be, and the same shall be recoverable by the assignee for the benefit of the estate, by suit in any competent court, and when recovered, shall be distributed as part of the ordinary assets of the estate. Creditors taking consideration for granting discharge, &c.

150. If, after the issue of a writ of attachment in insolvency, or the execution of a deed of assignment, as the case may be, the insolvent retains or receives any portion of his estate or effects, or of his moneys, securities for money, business papers, documents, books of account, or evidences of debt, or any sum or sums of money, belonging or due to him, and retains and withholds from his Assignee, without lawful right, such portion of his estate or effects, or of his moneys, securities for money, business papers, documents, books of account, evidences of debt, sum or sums of money, the Assignee may make application to the Judge, by summary petition and after due notice to the insolvent, for an order for the delivery over to him of the effects, documents, or moneys so retained; Punishment of insolvent receiving money &c., and not handing the same to Assignee.

retained; and in default of such delivery in conformity with any order to be made by the Judge upon such application, such insolvent may be imprisoned in the common gaol for such time, not exceeding one year, as such Judge may order.

Certain documents to be evidence.

151. The deeds of assignment and of transfer, or in the Province of Quebec, authentic copies thereof, or a duly authenticated copy of the record of appointment of an assignee, or a copy of the instrument of appointment of the interim Assignee when he becomes Assignee, certified by the Clerk or Prothonotary of the Court in which such instrument is deposited, under the seal of such Court, according to the mode in which the Assignee is alleged to be appointed, shall be *primâ facie* evidence in all courts, whether civil or criminal, of such appointment, and of the regularity of all proceedings at the time thereof and antecedent thereto.

Contribution to Building and Jury Fund in Quebec.

152. One per centum upon all moneys proceeding from the sale by an Assignee, under the provisions of this Act, of any immoveable property in the Province of Quebec, shall be retained by the Assignee out of such moneys, and shall, by such Assignee, be paid over to the sheriff of the district, or of either of the counties of Gaspé or Bonaventure, as the case may be, within which the immovable property sold shall be situate, to form part of the Building and Jury Fund of such District or County.

Governor in Council to have certain powers.

153. The Governor in Council shall have all the powers with respect to imposing a tax or duty upon proceedings under this Act, which are conferred upon the Governor in Council by the thirty-second and thirty-third sections of the one hundred and ninth chapter of the Consolidated Statutes for Lower Canada, and by the Act intituled: *An Act to make provision for the erection or repair of Court Houses and Gaols at certain places in Lower Canada,* (12 Vic., cap 112.)

REPEAL OF ACTS.

Insolvent Act of 1864, and Act amending it repealed: saving certain proceedings and matters.

154. The Insolvent Act of 1864, and the Act to amend the same, passed by the Parliament of the late Province of Canada in the 29th year of Her Majesty's Reign, are hereby repealed, except in so far as regards proceedings commenced and now pending thereunder, and as regards all contracts, acts, matters and things made and done before this Act shall come into force, to which the said Acts or any of the provisions thereof would have applied if not so repealed, and specially such as are contrary to the provisions of the said Acts, having reference to fraud and fraudulent preferences, and to the enregistration of marriage contracts within the Province of Quebec; and as to all such contracts, acts, matters and things, the provisions of the said Acts shall remain in force, and shall be acted upon as if this Act had never been passed; Provided always that as respects matters of procedure merely, the provisions of this Act shall for the future supersede those of the said Acts even in cases commenced and now pending; and all securities

Proviso: Procedure under this Act to apply and supersede that under Act of 1864.

rities given under the said Acts shall remain valid, and may be enforced, in respect of all matters and things falling within their terms, whether before or after this Act shall come into force and specially all securities heretofore given by Official Assignees shall serve and avail hereafter as if given under this Act; and all other Acts and parts of Acts now in force in any of the said Provinces which are inconsistent with the provisions hereof are also hereby repealed.

155. This Act shall be called and known as "The Insolvent Act of 1869," and shall come into force and take effect on and after the first day of September next, and shall cease to have effect at the end of four years thereafter, save as regards proceedings then in progress.

Short title, commencement and duration of Act.

FORM A.

INSOLVENT ACT OF 1869.

In the matter of an Insolvent.

The Insolvent has made an assignment of his estate to me, and the Creditors are notified to meet at in on the day of at (*eight*) o'clock to receive statements of his affairs, and to appoint an Assignee (*Date*) *and residence of Interim Assignee.*

(*Signature.*)

Interim Assignee or Guardian.

(*The following is to be added to the notices sent by post.*)

The Creditors holding direct claims and indirect claims, maturing before the meeting, for one hundred dollars each and upwards, are as follows: (*names of Creditors and amounts due*) and the aggregate of claims under one hundred dollars is $

(*date.*)

(*Signature.*)

Interim Assignee,
or Guardian.

FORM B.

INSOLVENT ACT OF 1869.

In the matter of A. B., an insolvent.

Schedule of Creditors.

1. Direct Liabilities.

Name.	Residence.	Nature of Debt.	Amount.	Total.

2. Indirect liabilities, maturing before the day fixed for the first meeting of creditors.

Name.	Residence.	Nature of Debt.	Amount.

3. Indirect liabilities, maturing after the day fixed for the first meeting of creditors.

Name.	Residence.	Nature of Debt.	Amount.

4. Negotiable paper, the holders of which are unknown.

Date.	Name of Maker.	Names liable to Insolvent.	When due.	Amount.

FORM C.

INSOLVENT ACT OF 1869.

This assignment made between of the first part, and of the second part, witnesses,

(or)

On this day of
before the undersigned notaries
came and appeared
of the first part, and
of the second part, which said parties declared to us, Notaries:—

That under the provisions of "The Insolvent Act of 1869," the said party of the first part, being insolvent, has voluntarily assigned and hereby does voluntarily assign to the said party of the second part, accepting thereof as interim Assignee under the said Act, and for the purposes therein provided, all his estate and effects, real and personal, of every nature and kind whatsoever.

To have and to hold to the party of the second part as Interim Assignee for the purposes and under the Act aforesaid.

In witness whereof, &c.

(*or*)

Done and passed, &c.

FORM D.

Insolvent Act of 1869.

In the matter of A. B., an Insolvent.

This deed of transfer made under the provisions of the said Act between (C. D.,)
Interim Assignee to the estate of the said Insolvent of the first part; and (E. F.,) of the second part, witnesses:

That whereas by a resolution of the creditors of the insolvent, duly passed at a meeting thereof duly called and held at
on the day of , the said party of the second part was duly appointed Assignee to the estate of the said Insolvent: Now therefore these presents witness that the said party of the first part, in his said capacity, hereby transfers to the said party of the second part the estate and effects of the said Insolvent, in conformity with the provisions of the said Act; and for the purposes therein provided.

In witness whereof, &c.

(*This form may be adapted in the Province of Quebec to the notarial form of execution of documents prevailing there.*)

FORM D D.

Insolvent Act of 1869.

In the matter of , an Insolvent.

This instrument witnesseth, that a meeting of the creditors of the insolvent having been duly called by advertisement, to be held
at

at , in , at o'clock, this day, for the appointment of an Assignee to the Insolvent's estate, such meeting was duly held, and was duly appointed thereat to be such Assignee (*or* no appointment of Assignee was made at such meeting; *or* no meeting was held by reason of no creditor attending such meeting; *or* the appointment to be such Assignee made at the said meeting became of no effect by reason of his refusal to accept the same) by means whereof the said (*the Interim Assignee*) became Assignee to the said estate.

Place *date*

Signatures of Chairman and of Creditors *or of Interim Assignee.*

The said (*Interim Assignee*) being duly sworn deposeth that the foregoing declaration is true: and he hath signed.

Sworn before me at
this
Judge

FORM E.

INSOLVENT ACT OF 1869.

To (*name* *residence* *and description of Insolvent.*)

You are hereby required, to wit, by A. B., a creditor for the sum of $ (*describe in a summary manner the nature of the debt,*) and by C. D, a creditor, &c., to make an assignment of your estate and effects under the above Act, for the benefit of your creditors.

place *date*

(*Signature of creditor or creditors.*)

FORM F.

INSOLVENT ACT OF 1869.

CANADA,
Province of
District of

A. B.——, (*name, residence and description.*)

Plaintiff.

vs.

C. D.—— (*name, residence and description.*)

Defendant.

I, A. B——, (*name, residence and description*) being duly sworn, depose and say:

I

1. I am the Plaintiff in this cause (*or* one of the Plaintiffs, *or* the clerk, *or* the agent of the Plaintiff in this cause duly authorized for the purposes hereof ;)

2. The defendant is indebted to the Plaintiff (*or as the case may be*) in the sum of dollars currency for, (*state concisely and clearly the nature of the debt*);

3. To the best of my knowledge and belief the defendant is insolvent within the meaning of the Insolvent Act of 1869, and has rendered himself liable to have his estate placed in compulsory liquidation under the said Act; and my reasons for so believing are as follows:
(*state concisely the facts relied upon as rendering the debtor insolvent and as subjecting his estate to be placed in compulsory liquidation.*)

And I have signed; (*or* I declare that I cannot sign,)

this day of 186 .
and if the deponent cannot sign, add —the foregoing affidavit having been first read over by me to the deponent.

(FORM G.)

INSOLVENT ACT OF 1869.

CANADA,
PROVINCE OF
District of

VICTORIA, *by the Grace of God, of the United Kingdom of Great Britain and Ireland, Queen, Defender of the Faith.*

To the Sheriff of our District (*or* County) of
No. GREETING:

WE command you at the instance of to attach the estate and effects, moneys and securities for money, vouchers, and all the office and business papers and documents of every kind and nature whatsoever, of and belonging to if the same shall be found in (*name of district or other territorial jurisdiction*) and the same so attached, safely to hold, keep and detain in your charge and custody, until the attachment thereof, which shall be so made under and by virtue of this Writ, shall be determined in due course of Law,

We command you also to summon the said to be and appear before Us, in our Court for at in the County (*or* District) of on the day of to show cause, if any he hath, why his estate should not be placed in liquidation under the Insolvent Act of 1869, and further to do and

and receive what, in our said Court before Us, in this behalf shall be considered; and in what manner you shall have executed this Writ, then and there certify unto Us with your doings thereon, and every of them, and have you then and there also this Writ.

In Witness Whereof, We have caused the Seal of our said Court to be hereunto affixed, at aforesaid, this day of in the year of our Lord, one thousand eight hundred and sixty- in the year of our Reign.

(FORM H.)

Insolvent Act of 1869.

A. B.,
Plff.
C. D.,
Deft.

A writ of attachment has issued in this cause.

(*Place* *date.*)

(*Signature,*)
Sheriff.

(FORM I.)

Insolvent Act of 1869.

In the matter of
A. B. (*or* A. B. & Co.),
an insolvent.

I, the undersigned (*name and residence*), have been appointed assignee in this matter.

Creditors are requested to file their claims before me, within one month.

(*Place* *date,*)
(*Signature*)
Assignee.

(FORM K.)

Insolvent Act of 1869.

In the matter of A. B.,
an Insolvent.

In consideration of the sum of $ whereof quit; C. D., assignee of the insolvent, in that capacity hereby sells and assigns to

to E. F. accepting thereof, all claim by the Insolvent against G. H. of (*describing the Debtor*) with the evidences of debt and securities thereto appertaining, but without any warranty of any kind or nature whatsoever.

C. D., *Assignee.*
E. F.

(FORM L.)

This deed, made under the provisions of the Insolvent Act of 1869, the day of &c., between A. B. of &c., in his capacity of Assignee of the estate and effects of an insolvent, under a deed of assignment executed on the day of at in and of a release made and executed on the day of in , (*or under an order of the Judge made at on the day of*) of the one part, and C. D., of &c., of the other part, witnesseth: That he, the said A. B., in his said capacity, hath caused the sale of the real estate hereinafter mentioned, to be advertised as required by law, and hath adjudged (*or* and hath offered for sale pursuant to such advertisement, but the bidding therefor being insufficient did withdraw the same from such sale, and hath since by authority of the Creditors agreed to sell) and doth hereby grant, bargain, sell, and confirm the same, to wit: unto the said C. D., his heirs and assigns for ever, all (*in* Ontario, Nova Scotia and New Brunswick, *insert "the rights and interests of the Insolvent in"*) that certain lot of land, (&c., *insert here a description of the property sold*): To have and to hold the same, with the appurtenances thereof, unto the said C. D., his heirs and assigns for ever. The said sale is so made for and in consideration of the sum of $ in hand paid to the said C. D. to the said A. B., the receipt whereof is hereby acknowledged (*or* of which the said C. D. hath paid to the said A. B., the sum of the receipt whereof is hereby acknowledged) and the balance, or sum of $ the said C. D. hereby promises to pay the said A. B., in his said capacity, as follows, to wit—(*here state the terms of payment*)—the whole with interest payable and as security for the payments so to be made, the said C. D. hereby specially mortgages and hypothecates to and in favour of the said A. B., in his said capacity, the lot of land and premises hereby sold. In witness, &c.

A. B. [L. S.]
C. D. [L. S.]

Signed, sealed, and delivered
in the presence of
E. F.

FORM

(FORM M.)

INSOLVENT ACT OF 1869.

In the matter of

A. B. (*or* A. B. & Co.,)
an Insolvent.

A dividend sheet has been prepared, open to objection, until the day of after which dividend will be paid.

(*Place.*) (*date.*)
Signature of Assignee.

(FORM N.)

INSOLVENT ACT OF 1869.

CANADA,
PROVINCE OF
District (*or County*) of } In the (*name of Court*)
In the matter of A. B. (*or* A. B. & Co.), an Insolvent.

The undersigned has filed in the office of this Court, a consent by his creditors to his discharge (*or* a deed of composition and discharge executed by his creditors), and on the day of next, he will apply to the said Court (*or* to the Judge of the said Court, *as the case may be*) for a confirmation of the discharge thereby effected.

(*Place* *date.*)
(Signature of Insolvent, or of his Attorney *ad litem.*)

FORM O.

INSOLVENT ACT OF 1869.

CANADA,
PROVINCE OF
District (*or County*) of } In the (*name of Court*)
In the matter of A. B., an Insolvent.

To the said Insolvent.

Take notice that the undersigned creditor hereby requires you to file in the office of this Court, the consent of your creditors, (*or* the deed of composition and discharge executed by them,) under which you claim to be discharged under the said Act; and on the day of next, at ten of the clock in the forenoon, or as soon as counsel can be heard, the undersigned will apply to the said Court (*or* to the Judge of the said Court, *as the case may be*) for the annulling of such discharge.

(*Place* *date.*)
(Signature of Creditor, or of his Attorney *ad litem.*

FORM

FORM P.

INSOLVENT ACT OF 1869.

CANADA,
PROVINCE OF
District (*or County*) of } In the (*name of Court*)
In the matter of A. B, (*or* A. B. & Co.) an insolvent.

On the day of next, the undersigned will apply to the said Court (*or* the Judge of the said Court, *as the case may be*) for a discharge under the said Act.

(*Place, date.*)

(Signature of the Insolvent, or his Attorney *ad litem.*)

FORM Q.

INSOLVENT ACT OF 1869.

In the matter of

A. B.,
An insolvent, and
C. D.,
Claimant.

I, C. D., of , being duly sworn in depose and say:

1. I am the claimant (*or,* the duly authorized agent of the claimant in this behalf, and have a personal knowledge of the matter hereinafter deposed to, *or* a member of the firm of claimants in the matter, and the said firm is composed of myself and of E. F., of)

2. The insolvent is indebted to me (*or* to the claimant) in the sum of dollars, for (*here state the nature and particulars of the claim, for which purpose reference may also be made to accounts or documents annexed.*)

3. I (*or* the claimant) hold no security for the claim, (*or* I *or* the claimant) hold the following, and no other, security for the claim namely: (*state the particulars of the security.*)

To the best of my knowledge and belief, the security is of the value of dollars.

Sworn before me at
this day of } And I have signed.

CAP.

CAP. XVII.

An Act to remove doubts as to Legislation in Canada regarding offences not wholly committed within its limits.

[*Assented to 22nd June*, 1869.]

Preamble.

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

Certain words in ss. 2 and 5 of c. 69, 31 V. repealed.

1. The words "or without" in the first line of the second section of the sixty-ninth chapter of the Statutes of Canada passed in the thirty-first year of Her Majesty's Reign, and the same words in the second line of the fifth section of the same Act, and any other words in the said chapter assuming a jurisdiction over offences not wholly committed in Canada, are repealed.

Also part of s. 8 of c. 72, 31 V.

2. So much of the eighth section of the seventy-second chapter of the Statutes of the same year, as relates to felonies which shall not have been wholly committed within Canada, and to persons who shall be accessories to such felonies, is hereby repealed.

CAP. XVIII.

An Act respecting Offences relating to the Coin.

[*Assented to 22nd June*, 1869.]

Preamble.

WHEREAS it is expedient to assimilate, amend and consolidate the Statute Law of the several Provinces of Quebec, Ontario, Nova Scotia and New Brunswick, respecting offences relating to the Coin, and to extend the same as so consolidated, to all Canada: Therefore, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Interpretation of terms. Current gold and silver coin.

1. In the interpretation of and for the purposes of this Act, the expression "current gold or silver coin" shall include any gold or silver coined in any of Her Majesty's mints, or gold or silver coin of any foreign prince, or state or country or other coin lawfully current, by virtue of any proclamation or otherwise, in Canada or any other part of Her Majesty's Dominions; and the expression "current copper coin" shall include any copper coin and any coin of bronze or mixed metal coined in any of Her Majesty's mints, or lawfully current, by virtue of any proclamation or otherwise, in Canada, or any other part of Her Majesty's Dominions; and the expression "false or counterfeit coin resembling or apparently intended to resemble or pass for current gold or silver coin" or other similar expression, shall include any

Copper coin.

False or counterfeit coin.

any of the current coin which has been gilt, silvered, washed, coloured or cased over, or in any manner altered, so as to resemble or be apparently intended to resemble or pass for any of the current coin of a higher denomination; and the expression "current coin," shall include any coin coined in any of Her Majesty's mints, or lawfully current, by virtue of any proclamation or otherwise, in Canada, or any other part of Her Majesty's Dominions, and whether made of gold, silver, copper, bronze, or mixed metal;—and where the having any matter in the custody or possession of any person is mentioned in this Act, it shall include, not only the having of it by himself in his personal custody or possession, but also the knowingly and wilfully having it in the actual custody or possession of any other person, and also the knowingly and wilfully having it in any dwelling-house or other building, lodging, apartment, field, or other place, open or inclosed, whether belonging to or occupied by himself or not, and whether such matter is so had for his own use or benefit, or for that of any other person.

Current coin.

What shall be having in possession.

2. Whosoever falsely makes or counterfeits any coin resembling or apparently intended to resemble or pass for any current gold or silver coin, is guilty of felony, and shall be liable to be imprisoned in the Penitentiary for life, or for any term not less than two years, or to be imprisoned in any other gaol or place of confinement for any term less than two years, with or without hard labour, and with or without solitary confinement.

Counterfeiting current gold or silver coin.

3. Whosoever gilds or silvers, or with any wash or materials capable of producing the colour or appearance of gold or of silver, or by any means whatsoever, washes, cases over, or colours any coin whatsoever resembling or apparently intended to resemble or pass for any current gold or silver coin, or gilds or silvers or with any wash or materials capable of producing the colour or appearance of gold or of silver, or by any means whatsoever, washes, cases over or colours any piece of silver or copper, or of coarse gold or coarse silver, or of any metal or mixture of metals respectively, being of a fit size and figure to be coined, and with intent that the same shall be coined, into false and counterfeit coin resembling or apparently intended to resemble or pass for any current gold or silver coin, or gilds or with any wash or materials capable of producing the colour and appearance of gold, or by any means whatsoever, washes, cases over or colours any current silver coin, or files or in any manner alters such coin, with intent to make the same resemble or pass for any current gold coin, or gilds or silvers or with any wash or materials capable of producing the colour or appearance of gold or silver, or by any means whatsoever, washes, cases over or colours any current copper coin, or files or in any manner alters such coin with intent to make the same resemble or pass for any current gold or silver coin, is guilty of felony, and shall be liable to be imprisoned in the Penitentiary for life or for any term not less than two years, or to be imprisoned

Colouring any coin or any pieces of metal with intent to make them pass for gold or silver coin.

Colouring or altering genuine coin, with intent to make it pass for coin of a higher value.

soned in any other gaol or place of confinement for any term less than two years, with or without hard labour and with or without solitary confinement.

Impairing the gold or silver coin with intent, &c.

4. Whosoever impairs, diminishes or lightens any current gold or silver coin, with intent that the coin so impaired, diminished, or lightened, may pass for current gold or silver coin, is guilty of felony, and shall be liable to be imprisoned in the Penitentiary for any term not exceeding fourteen years, and not less than two years, or to be imprisoned in any other gaol or place of confinement for any term less than two years, with or without hard labour and with or without solitary confinement.

Unlawful possession of filings or clippings of gold or silver coin.

5. Whosoever unlawfully has in his custody or possession any filings or clippings, or any gold or silver bullion, or any gold or silver in dust, solution, or otherwise, which have been produced or obtained by impairing, diminishing, or lightening, any current gold or silver coin, knowing the same to have been so produced or obtained, is guilty of felony, and shall be liable to be imprisoned in the Penitentiary for any term not exceeding seven years, and not less than two years, or to be imprisoned in any other gaol or place of confinement for any term less than two years, with or without hard labour and with or without solitary confinement.

Buying or selling, &c., counterfeit gold or silver coin for lower value than its denomination imports.

6. Whosoever, without lawful authority or excuse (the proof whereof shall lie on the party accused), buys, sells, receives, pays or puts off, or offers to buy, sell, receive, pay, or put off, any false or counterfeit coin, resembling or apparently intended to resemble or pass for any current gold or silver coin, at or for a lower rate or value than the same imports, or was apparently intended to import, is guilty of felony, and shall be liable to be imprisoned in the Penitentiary for life or for any term not less than two years, or to be imprisoned in any other gaol or place of confinement for any term less than two years, with or without hard labour and with or without solitary confinement; and in any indictment for any such offence as in this section aforesaid, it shall be sufficient to allege that the party accused did buy, sell, receive, pay or put off, or did offer to buy, sell, receive, pay or put off, the false or counterfeit coin, at or for a lower rate of value than the same imports, or was apparently intended to import, without alleging at or for what rate, price or value, the same was bought, sold, received, paid or put off, or offered to be bought, sold, received, paid or put off.

What shall be sufficient in an indictment.

Importing counterfeit coin.

7. Whosoever, without lawful authority or excuse (the proof whereof shall lie on the party accused), imports or receives into Canada any false or counterfeit coin, resembling or apparently intended to resemble or pass for any current gold or silver coin, knowing the same to be false or counterfeit, is guilty of felony, and shall be liable to be imprisoned in the Penitentiary for life or for any term not less than two years, or to be imprisoned in any other

other gaol or place of confinement for any term less than two years, with or without hard labour, and with or without solitary confinement.

8. Whosoever, without lawful authority or excuse (the proof whereof shall lie on the party accused), exports or puts on board any ship, vessel or boat, or on any railway, or carriage, or vehicle of any description whatsoever, for the purpose of being exported from Canada, any false or counterfeit coin, resembling, or apparently intended to resemble or pass for any current coin, or for any foreign coin of any prince, country, or state, knowing the same to be false or counterfeit, is guilty of a misdemeanor, and shall be liable to be imprisoned in any gaol or place of confinement, other than a Penitentiary, for any term less than two years, with or without hard labour, and with or without solitary confinement.

Exporting counterfeit coin.

9. Whosoever tenders, utters or puts off any false or counterfeit coin, resembling or apparently intended to resemble or pass for any current gold or silver coin, knowing the same to be false or counterfeit, is guilty of a misdemeanor, and shall be liable to be imprisoned in the Penitentiary for any term not exceeding fourteen years, and not less than two years, or to be imprisoned in any other gaol or place of confinement, for any term less than two years, with or without hard labour, and with or without solitary confinement.

Uttering counterfeit gold or silver coin.

10. Whosoever tenders, utters, or puts off as being current, any gold or silver coin of less than its lawful weight, knowing such coin to have been impaired, diminished or lightened, otherwise than by lawful wear, is guilty of a misdemeanor, and shall be liable to be imprisoned in any gaol or place of confinement, other than a Penitentiary, for a period not exceeding one year, with or without hard labour, and with or without solitary confinement.

Passing light gold or silver coin.

11. Whosoever has in his custody or possession any false or counterfeit coin, resembling or apparently intended to resemble or pass for any current gold or silver coin, knowing the same to be false or counterfeit, and with intent to utter or put off any such false or counterfeit coin, is guilty of a misdemeanor, and shall be liable to be imprisoned in the Penitentiary for any term not exceeding three years, nor less than two years, or to be imprisoned in any other gaol or place of confinement for any term less than two years, with or without hard labour, and with or without solitary confinement.

Having counterfeit gold or silver coin in possession, &c., with intent, &c.

12. Whosoever, having been convicted, either before or after the passing of this Act, of any such misdemeanor as in any of the last three preceding sections mentioned, or of any misdemeanor or felony against this or any former Act heretofore in force in Canada, or in any of the Provinces thereof, relating to the coin, afterwards commits any of the misdemeanors in any of the said sections

Every subsequent offence of uttering, &c., after a previous conviction shall be felony.

sections mentioned, is guilty of felony, and shall be liable to be imprisoned in the Penitentiary for life or for any term not less than two years, or to be imprisoned in any other gaol or place of confinement for any term less than two years, with or without hard labour, and with or without solitary confinement.

Uttering foreign coin, medals, &c., as current coin, with intent to defraud.

13 Whosoever, with intent to defraud, tenders, utters, or puts off, as or for any current gold or silver coin, any coin not being such current gold or silver coin, or any medal, or piece of metal or mixed metals, resembling in size, figure and colour, the current coin as or for which the same is so tendered, uttered, or put off, such coin, medal, or piece of metal or mixed metals so tendered, uttered, or put off, being of less value than the current coin as or for which the same is so tendered, uttered, or put off, is guilty of a misdemeanor, and shall be liable to be imprisoned in any gaol or place of confinement, other than a Penitentiary, for any term not exceeding one year, with or without hard labour, and with or without solitary confinement.

Counterfeiting, &c., copper coin; or buying or selling it for less than its denomination imports, &c.

14. Whosoever falsely makes or counterfeits any coin resembling or apparently intended to resemble or pass for any current copper coin; and whosoever without lawful authority or excuse (the proof of which shall lie on the party accused), knowingly makes or mends, or begins, or proceeds to make or mend, or buy or sell, or have in his custody or possession any instrument, tool or engine adapted and intended for the counterfeiting any current copper coin, or buys, sells, receives, pays, or puts off, or offers to buy, sell, receive, pay, or put off, any false or counterfeit coin, resembling or apparently intended to resemble or pass for any current copper coin, at or for a lower rate of value than the same imports, or was apparently intended to import, is guilty of felony, and shall be liable to be imprisoned in the Penitentiary for any term not exceeding seven years and not less than two years, or to be imprisoned in any other gaol or place of confinement for any term less than two years, with or without hard labour, and with or without solitary confinement.

Uttering base copper coin.

15. Whosoever tenders, utters, or puts off any false or counterfeit coin, resembling or apparently intended to resemble or pass for any current copper coin, knowing the same to be false or counterfeit, or has in his custody or possession three or more pieces of false or counterfeit coin, resembling or apparently intended to resemble or pass for any current copper coin, knowing the same to be false or counterfeit, with an intent to utter or put off the same or any of them, is guilty of a misdemeanor, and shall be liable to be imprisoned in any gaol or place of confinement, other than a Penitentiary, for any term not exceeding one year, with or without hard labour, or with or without solitary confinement.

16.

16. Whosoever defaces any current gold, silver or copper coin by stamping thereon any names or words, whether such coin is or is not thereby diminished or lightened, and afterwards tenders the same, is guilty of a misdemeanor, and shall be liable to be imprisoned in any gaol or place of confinement, other than the Penitentiary, for any term not exceeding one year, with or without hard labour. **Defacing the coin by stamping words thereon.**

17. No tender of payment in money made in any gold, silver or copper coin so defaced by stamping, as in the last preceding section mentioned, shall be allowed to be a legal tender; and whosoever tenders, utters, or puts off any coin so defaced, shall, on Conviction before two Justices of the Peace, be liable to forfeit and pay any sum not exceeding ten dollars; Provided that it shall not be lawful for any person to proceed for any such last mentioned penalty without the consent of the Attorney General for the Province in which such offence is alleged to have been committed. **Tender of coin so defaced not to be a legal tender, and penalty for uttering the same.** **Proviso.**

18. Whosoever makes or counterfeits any kind of coin not being current gold or silver coin, but resembling or apparently intended to resemble or pass for any gold or silver coin of any foreign prince, state or country, is guilty of felony, and shall be liable to be imprisoned in the Penitentiary for any term not exceeding seven years and not less than two years, or to be imprisoned in any other gaol or place of confinement for any term less than two years, with or without hard labour, and with or without solitary confinement. **Counterfeiting foreign gold and silver coin, not current in Canada.**

19. Whosoever, without lawful authority or excuse (the proof whereof shall lie on the party accused), brings or receives into Canada, any such false or counterfeit coin, resembling or apparently intended to resemble or pass for any gold or silver coin of any foreign prince, state or country, not being current coin, knowing the same to be false or counterfeit, is guilty of felony, and shall be liable to be imprisoned in the Penitentiary for any term not exceeding seven years and not less than two years, or to be imprisoned in any other gaol or place of confinement for any term less than two years, with or without hard labour, and with or without solitary confinement. **Bringing such counterfeit coin into Canada.**

20. Whosoever tenders, utters, or puts off any such false or counterfeit coin, resembling or apparently intended to resemble or pass for any gold or silver coin of any foreign prince, state or country, not being current coin, knowing the same to be false or counterfeit, is guilty of a misdemeanor, and shall be liable to be imprisoned in any gaol or place of confinement other than a Penitentiary for any term not exceeding six months, with or without hard labour. **Penalty for uttering such counterfeit foreign coin.**

Second offence of uttering such counterfeit foreign coin.

21. Whosoever, having been so convicted as in the last preceding section mentioned, afterwards commits the like offence of tendering, uttering, or putting off any such false or counterfeit coin, as aforesaid, knowing the same to be false or counterfeit, is guilty of a misdemeanor, and shall be liable to be imprisoned in any gaol or place of confinement other than a Penitentiary for any term less than two years; and whosoever, having been so convicted of a second offence, afterwards commits the like offence of tendering, uttering, or putting off any such false or counterfeit coin, as aforesaid, knowing the same to be false or counterfeit is guilty of felony, and shall be liable to be imprisoned in the Penitentiary for any term not exceeding seven years and not less than two years, or to be imprisoned in any other gaol or place of confinement for any term less than two years, with or without hard labour, and with or without solitary confinement.

Subsequent offence.

Having such coin in possession.

22. Whosoever, without lawful authority or excuse, (the proof whereof shall lie on the party accused,) has in his possession or custody any forged, false or counterfeited piece or coin, counterfeited to resemble any foreign gold or silver coin described in the four next preceding sections of this Act mentioned, knowing the same to be false or counterfeit, with intent to put off any such false or counterfeit coin, is guilty of a misdemeanor, and shall be liable to be imprisoned in the Penitentiary for any term not exceeding three years nor less than two years, or to be imprisoned in any other gaol or place of confinement for any term less than two years, with or without hard labour and with or without solitary confinement.

Counterfeiting foreign coin, other than gold and silver coin.

23. Whosoever falsely makes or counterfeits any kind of coin, not being current coin, but resembling or apparently intended to resemble or pass for any copper coin, or any other coin made of any metal or mixed metals, of less value than the silver coin, of any foreign prince, state or country, is guilty of a misdemeanor, and shall be liable, for the first offence, to be imprisoned in any gaol or place of confinement, other than the Penitentiary, for any term not exceeding one year; and for the second offence, to be imprisoned in the Penitentiary for any term not exceeding seven years and not less than two years, or to be imprisoned in any other gaol or place of confinement for any term less than two years, with or without hard labour, and with or without solitary confinement.

Making, mending, or having unlawfully possession of any coining tools, felony.

24. Whosoever, without lawful authority or excuse (the proof whereof shall lie on the party accused), knowingly makes or mends or begins or proceeds to make or mend, or buy or sell, or have in his custody or possession any puncheon, counter puncheon, matrix, stamp, die, pattern, or mould, in or upon which there shall be made or impressed, or which will make or impress, or which shall be adapted and intended to make or impress the figure, stamp, or apparent resemblance of both or either of the sides of any current gold

gold or silver coin, or of any coin of any foreign prince, state or country, or any part or parts of both or either of such sides;—or makes or mends, or begins or proceeds to make or mend, or buys or sells or has in custody or possession any edger, edging or other tool, collar, instrument, or engine adapted and intended for the marking of coin round the edges with letters, grainings, or other marks or figures, apparently resembling those on the edges of any such coin as in this section aforesaid, knowing the same to be so adapted and intended as aforesaid,—or makes or mends, or begins or proceeds to make or mend, or buys or sells, or has in his custody or possession, any press for coinage, or any cutting engine for cutting by force of a screw or of any other contrivance, round blanks out of gold, silver, or other metal or mixture of metals, or any other machine, knowing such press to be a press for coinage, or knowing such engine or machine to have been used or to be intended to be used for or in order to the false making or counterfeiting of any such coin as in this section aforesaid, is guilty of felony, and shall be liable to be imprisoned in the Penitentiary for life or for any term not less than two years, or to be imprisoned in any other gaol or place of confinement for any term less than two years, with or without hard labour and with or without solitary confinement.

Conveying tools or moneys, or metal out of the mint without authority, felony.

25. Whosoever, without lawful authority or excuse (the proof whereof shall lie on the party accused), knowingly conveys out of any of Her Majesty's mints into Canada, any puncheon, counter puncheon, matrix, stamp, die, pattern, mould, edger, edging, or other tool, collar, instrument, press or engine, used or employed in or about the coining of coin, or any useful part of any of the several matters aforesaid, or any coin, bullion, metal or mixture of metals, is guilty of felony and shall be liable to be imprisoned in the Penitentiary for life or for any term not less than two years, or to be imprisoned in any other gaol or place of confinement for any term less than two years, with or without hard labour and with or without solitary confinement.

Coin suspected to be diminished or counterfeit may be cut by any person to whom it is tendered.

Who shall bear the loss.

26. Where any coin is tendered as current gold or silver coin to any person who suspects the same to be diminished otherwise than by reasonable wearing, or to be counterfeit, it shall be lawful for such person to cut, break, bend or deface such coin, and if any coin so cut, broken, bent or defaced, appears to be diminished otherwise than by reasonable wearing, or to be counterfeit, the person tendering the same shall bear the loss thereof; but if the same is of due weight, and appears to be lawful coin, the person cutting, breaking, bending or defacing the same, shall be bound to receive the same at the rate it was coined for, and if any dispute arises whether the coin so cut, broken, bent or defaced, is diminished in manner aforesaid, or counterfeit, it shall be heard and finally determined in a summary manner by any Justice of the Peace, who is hereby empowered to examine, upon oath, as well the parties as any other person, in order to the decision of

such dispute, and if he entertains any doubt in that behalf, he may summon three persons, the decision of a majority of whom shall be final; and the Receivers of every branch of Her Majesty's revenue in Canada, are hereby required to cut, break, or deface, or cause to be cut, broken or defaced, every piece of counterfeit or unlawfully diminished gold or silver coin which shall be tendered to them in payment of any part of Her Majesty's revenue in Canada.

Revenue officers to destroy such coin.

Provision for the discovery and seizure of counterfeit coin and coining tools, for securing them as evidence and for ultimately disposing of them.

27. If any person finds or discovers in any place whatever, or in the custody or possession of any person having the same without lawful authority or excuse, any false or counterfeit coin resembling or apparently intended to resemble or pass for any current gold, silver or copper coin, or any coin of any foreign prince, state or country, or any instrument, tool or engine whatsoever, adapted and intended for the counterfeiting of any such coin, or any filings or clippings, or any gold or silver bullion, or any gold or silver, in dust, solution or otherwise, which has been produced or obtained by diminishing or lightening any current gold or silver coin, the person so finding or discovering may, and he is hereby required to seize the same and to carry the same forthwith before some Justice of the Peace; and in case it is proved, on the oath of a credible witness, before any Justice of the Peace, that there is reasonable cause to suspect that any person has been concerned in counterfeiting current gold, silver or copper coin, or any such foreign or other coin as is in this Act before mentioned, or has in his custody or possession any such false or counterfeit coin, or any instrument, tool or engine whatsoever, adapted and intended for the making or counterfeiting of any such coin, or any other machine used or intended to be used for making or counterfeiting any such coin, or any such filings, clippings or bullion, or any such gold or silver, in dust, solution or otherwise, as aforesaid, any Justice of the Peace may, by warrant under his hand, cause any place whatsoever belonging to or in the occupation or under the control of such suspected person to be searched, either in the day or in the night, and if any such false or counterfeit coin, or any such instrument, tool or engine, or any such machine, or any such filings, clippings, or bullion, or any such gold or silver, in dust, solution or otherwise, as aforesaid, is found in any place so searched, to cause the same to be seized and carried forthwith before some Justice of the Peace; and whensoever any such false or counterfeit coin, or any such instrument, tool or engine, or any such machine, or any such filings, clippings or bullion, or any such gold or silver, in dust, solution or otherwise, as aforesaid, is in any case whatsoever seized and carried before a Justice of the Peace, he shall, if necessary, cause the same to be secured, for the purpose of being produced in evidence against any person who may be prosecuted for an offence against this Act, and all such false and counterfeit coin, and all instruments, tools and engines, adapted and intended for the making or counterfeiting of coin, and all such machines, and all such filings, clippings and bullion, and all

all such gold and silver, in dust, solution or otherwise, as aforesaid, after they have been produced in evidence, or when they have been seized and are not required to be produced in evidence, shall forthwith by the order of the Court, be defaced or otherwise disposed of as the Court may direct.

28. If any false or counterfeit coin be produced in any Court of Law, the Court shall order the same to be cut in pieces in open Court, or in the presence of a Justice of the Peace, and then delivered to or for the lawful owner thereof, if such owner claims the same.

Counterfeit coin produced in Court, how disposed of.

29. Where any person tenders, utters, or puts off any false or counterfeit coin in any one province of Canada, or in any one district, county or jurisdiction therein, and also tenders, utters, or puts off any other false or counterfeit coin, in any other province, district, county or jurisdiction, either on the day of such first mentioned tendering, uttering or putting off, or within the space of ten days next ensuing, or where two or more persons, acting in concert in different provinces, or in different districts, counties or jurisdictions therein, commit any offence against this Act, every such offender may be dealt with, indicted, tried and punished, and the offence laid and charged to have been committed, in any one of the said provinces, or districts, counties or jurisdictions, in the same manner in all respects, as if the offence had been actually and wholly committed within one province, district, county or jurisdiction.

Venue, and place of trial in cases of prosecution under this Act.

30. Where, upon the trial of any person charged with any offence against this Act, it becomes necessary to prove that any coin produced in evidence against such person is false or counterfeit, it shall not be necessary to prove the same to be false and counterfeit by the evidence of any moneyer or other officer of Her Majesty's Mint, or other person employed in producing the lawful coin in Her Majesty's dominions or elsewhere, whether the coin counterfeited be current coin, or the coin of any foreign prince, state or country, not current in Canada, but it shall be sufficient to prove the same to be false or counterfeit by the evidence of any other credible witness.

What shall be sufficient proof of coin being counterfeit.

31. Upon the trial of any person accused of any offence alleged to have been committed against the form of any Statute of Canada or of any of the provinces, passed or to be passed respecting the currency or coin, or against the provisions of this Act, no difference in the date or year, or in any legend, marked upon the lawful coin described in the indictment, and the date or year or legend marked upon the false coin counterfeited to resemble or pass for such lawful coin, or upon any die, plate, press, tool or instrument used, constructed, devised, adapted or designed, for the purpose of counterfeiting or imitating any such lawful coin, shall be considered a just or lawful cause or reason for acquitting any such person of such offence; and it shall in any

Differences in date, &c., of true and false coin not ground for acquittal.

any case be sufficient to prove such general resemblance to the lawful coin as will shew an intention that the counterfeit should pass for it.

When the counterfeiting coin shall be complete.

32. Every offence of falsely making or counterfeiting any coin, or of buying, selling, receiving, paying, tendering, uttering or putting off, or of offering to buy, sell, receive, pay, utter, or put off, any false or counterfeit coin, against the provisions of this Act, shall be deemed to be complete, although the coin so made or counterfeited, or bought, sold, received, paid, tendered, uttered or put off, or offered to be bought, sold, received, paid, tendered, uttered or put off, was not in a fit state to be uttered, or the counterfeiting thereof was not finished or perfected.

Any person may apprehend offenders against this Act.

33. It shall be lawful for any person whatsoever to apprehend any person who is found committing any indictable offence against this Act, and to convey or deliver him to some peace officer, constable, or officer of police, in order to his being conveyed, as soon as reasonably may be, before a Justice of the Peace or some other proper officer, to be dealt with according to law.

Fine and sureties for keeping the peace; in what cases.

34. Whenever any person is convicted of any indictable misdemeanor punishable under this Act, the Court may, if it thinks fit, in addition to or in lieu of any of the punishments by this Act authorized, fine the offender and require him to enter into his own recognizances, and to find sureties, both or either, for keeping the peace and being of good behaviour; and in case of any felony punishable under this Act, the Court may, if it thinks fit, require the offender to enter into his own recognizances, and to find sureties, both or either, for keeping the peace, in addition to any punishment by this Act authorized; Provided that no person shall be imprisoned under this section for not finding sureties, for any period exceeding one year.

Proviso.

Summary proceedings, &c.

35. Every offence hereby made punishable on summary conviction or other summary proceedings under this Act, may be prosecuted in the manner directed by the Act of the present session *respecting the duties of Justices of the Peace out of sessions, in relation to summary convictions and orders*, or in such other manner as may be directed by any Act that may be passed for like purposes, so far as no provision is hereby made for any matter or thing which may be required to be done in course of such prosecution, and all provisions contained in the said Act shall be applicable to such prosecutions in the same manner as if they were incorporated in this Act.

Imp. Act, 16, 17 V., c. 48, not to apply in Canada.

36. The Act of the Parliament of the United Kingdom passed in the Session thereof, held in the sixteenth and seventeenth years of Her Majesty's Reign, and intituled: *An Act for the punishment of offences in the Colonies in relation to the Coin*, and the

the Act of the said Parliament therein cited and amended, shall not apply to or be in force in Canada, after this Act takes effect.

37. This Act shall commence and take effect on the first day of January, one thousand eight hundred and seventy. Commencement of Act.

CAP. XIX.

An Act respecting Forgery.

[*Assented to 22nd June*, 1869.]

WHEREAS it is expedient to assimilate, amend and consolidate the Statute Law of the several Provinces of Quebec, Ontario, Nova Scotia and New Brunswick, respecting indictable offences by Forgery, and to extend the same as so consolidated to all Canada: Therefore, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows; Preamble.

As to forging Her Majesty's Seal, &c.

1. Whosoever forges or counterfeits or utters knowing the same to be forged or counterfeited, the Great Seal of the United Kingdom, or the Great Seal of the Dominion of Canada, or of any one of the late Provinces of Upper Canada, Lower Canada or Canada, or of any one of the Provinces of Ontario, Quebec, Nova Scotia or New Brunswick, or of any one of Her Majesty's Colonies or Possessions, Her Majesty's Privy Seal, any Privy Signet of Her Majesty, Her Majesty's Royal Sign Manual, or any of Her Majesty's Seals appointed by the twenty-fourth Article of the Union between England and Scotland to be kept, used and continued in Scotland, the Great Seal of Ireland, or the Privy Seal of Ireland, or the Privy Seal or Seal at Arms of the Governor General of Canada, or of the Lieutenant-Governor of either of the Provinces of Ontario, Quebec, Nova Scotia and New Brunswick, or of any person who at any time administered the Government of any of the Provinces now constituting Canada, or of the Governor or Lieutenant-Governor of any one of Her Majesty's Colonies or Possessions, or forges or counterfeits the stamp or impression of any of the seals aforesaid, or utters any document or instrument whatsoever, having thereon, or affixed thereto the stamp or impression of any such forged or counterfeited seal, knowing the same to be the stamp or impression of such forged or counterfeited seal, or any forged or counterfeited stamp or impression made or apparently intended to resemble the stamp or impression of any of the seals aforesaid, knowing the same to be forged or counterfeited, or forges, or alters, or utters, knowing the same to be forged or altered, any document or instrument having any of the said stamps or impressions thereon or affixed thereto, is

Forging the great seal, privy seal, &c.

Or uttering document with forged seal.

guilty

guilty of felony, and shall be liable to be imprisoned in the Penitentiary for life or for any term not less than two years, or to be imprisoned in any other gaol or place of confinement for any term less than two years, with or without hard labour, and with or without solitary confinement.

Forging or uttering any document bearing the forged signature of the Governor, Lieutenant-Governor, &c.

2. Whosoever forges or fraudulently alters any document bearing or purporting to bear the signature of the Governor of Canada, or of any deputy of the Governor, or of the Lieutenant-Governor of any one of the Provinces of Ontario, Quebec, Nova Scotia and New Brunswick, or of any person, who at any time, administered the Government of any of the Provinces now constituting Canada, or offers, utters, disposes of or puts off, any such forged or fraudulently altered document as aforesaid, knowing the same to be so forged or altered, is guilty of felony, and shall be liable to be imprisoned in the Penitentiary for life or for any term not less than two years, or to be imprisoned in any other gaol or place of confinement for any term less than two years, with or without hard labour, and with or without solitary confinement.

Forging or altering copies of Letters Patent, &c.

3. Whosoever forges or alters, or in any way publishes, puts off or utters as true, knowing the same to be forged or altered, any copy of letters patent, or of the enrolment or enregistration of letters patent, or of any certificate thereof made or given, or purporting to be made or given by virtue of any Statute of Canada, of any one of the late Provinces of Upper Canada, Lower Canada, or Canada, or of the Provinces of Ontario, Quebec, Nova Scotia or New Brunswick, is guilty of felony, and shall be liable to be imprisoned in the Penitentiary for any term not more than seven years, nor less than two years, or to be imprisoned in any other gaol or place of confinement for any term less than two years, with or without hard labour.

Forging or altering any public Register, &c.

4. Whosoever forges or counterfeits or alters, any public register or book, appointed by law to be made or kept, or any entry therein, or wilfully certifies or utters any writing as and for a true copy of such public register or book, or of any entry therein, knowing such writing to be counterfeit or false, is guilty of felony, and shall be liable to be imprisoned in the Penitentiary for any term not more than fourteen years, nor less than two years, or in any other gaol or place of confinement, for any term less than two years, with or without hard labour, and with or without solitary confinement.

As to forging transfers of stock, &c.

Forging transfer of certain stock, &c., or power of attorney relating thereto.

5. Whosoever forges or alters, or offers, utters, disposes of or puts off, knowing the same to be forged or altered, any transfer of any share or interest of or in any stock, annuity, or other public fund which now is or hereafter may be transferable in any of the Books of the Dominion of Canada, or of any one of the Provinces of Quebec, Ontario, Nova Scotia or New Brunswick, respectively, or of any Bank at which the same may be transferable, or of or in the

the capital stock of any body corporate, company or society, which now is or hereafter may be established by charter, or by, under, or by virtue of any Act of Parliament of the United Kingdom or of any of the late Provinces of Upper Canada, Lower Canada or of Canada, or of the Dominion of Canada, or by any Act of the Legislature of either of the Provinces of Ontario, Quebec, Nova Scotia or New Brunswick, or forges or alters, or offers, utters, disposes of, or puts off, knowing the same to be forged or altered, any power of attorney or other authority to transfer any share or interest of or in any such stock, annuity, public fund, or capital stock, or any claim for a grant of land from the Crown in Canada, or for any scrip or other payment or allowance in lieu of any such grant of land, or to receive any dividend or money payable in respect of any such share or interest, or demands or endeavors to have any such share or interest transferred, or to receive any dividend or money payable in respect thereof, or any such grant of land or scrip or payment or allowance in lieu thereof as aforesaid, by virtue of any such forged or altered power of attorney or other authority, knowing the same to be forged or altered, with intent in any of the cases aforesaid to defraud, is guilty of felony, and shall be liable to be imprisoned in the Penitentiary for life or for any term not less than two years, or to be imprisoned in any other gaol or place of confinement for any term less than two years, with or without hard labour, and with or without solitary confinement.

Personating the owner of certain stock, &c., and transferring or receiving, or endeavoring to transfer or receive the dividends.

6. Whosoever falsely and deceitfully personates any owner of any share, or interest of or in any stock, annuity or other public fund, which now is or hereafter may be transferable in any of the Books of the Dominion of Canada, or of any one of the Provinces of Quebec, Ontario, Nova Scotia or New Brunswick, or of any Bank at which the same may be transferable, or any owner of any share, or interest of or in the capital stock of any body corporate, company or society which now is or hereafter may be established by charter, or by, under, or by virtue of any Act of Parliament of the United Kingdom, or of any of the late Provinces of Upper Canada, Lower Canada or Canada, or of the Dominion of Canada, or by any Act of the Legislature of any one of the Provinces of Ontario, Quebec, Nova Scotia or New Brunswick, or of any claim for a grant of land from the Crown in Canada, or for any scrip or other payment or allowance in lieu of such grant of land, or any owner of any dividend or money payable in respect of any such share or interest as aforesaid, and thereby transfers or endeavors to transfer any share or interest belonging to any such owner, or thereby receives or endeavors to receive any money due to any such owner, or to obtain any such grant of land, or such scrip or allowance in lieu thereof as aforesaid, as if such offender were the true and lawful owner, is guilty of felony, and shall be liable to be imprisoned in the Penitentiary for life or for any term not less than two years, or to be imprisoned in any other gaol or place of confinement for any term less than two years, with or without hard labour, and with or without solitary confinement.

7.

Forging attestation to power of attorney for transfer of stock, &c.

7. Whosoever forges any name, hand-writing, or signature, purporting to be the name, hand-writing or signature of a witness attesting the execution of any power of attorney or other authority to transfer any share or interest of or in any such stock, annuity, public fund, or capital stock, or grant of land or scrip or allowance in lieu thereof, as in either of the last two preceding sections mentioned, or to receive any dividend or money payable in respect of any such share or interest, or offers, utters, disposes of, or puts off any such power of attorney, or other authority, with any such forged name, hand-writing or signature thereon, knowing the same to be forged, is guilty of felony, and shall be liable to be imprisoned in the Penitentiary for any term not exceeding seven years and not less than two years, or to be imprisoned in any other gaol or place of confinement for any term less than two years with or without hard labour and with or without solitary confinement.

Making false entries in the books of public funds.

8. Whosoever wilfully makes any false entry in, or wilfully alters any word or figure in any of the books of the account kept by the Government of Canada, or of any one of the Provinces of Ontario, Quebec, Nova Scotia or New Brunswick, or of any Bank at which any of the books of account of the Government of Canada, or of either of the Provinces of Ontario, Quebec, Nova Scotia or New Brunswick are kept, in which books the accounts of the owners of any stock, annuities or other public funds, which now are or hereafter may be transferable in such books, are entered and kept, or in any manner wilfully falsifies any of the accounts of any of such owners in any of the said books, with intent in any of the cases aforesaid to defraud, or wilfully makes any transfer of any share or interest of or in any stock, annuity or other public fund which now is or hereafter may be transferable as aforesaid, in the name of any person not being the true and lawful owner of such share or interest, with intent to defraud, is guilty of felony, and shall be liable to imprisonment in the Penitentiary for life, or for any term not less than two years, or to be imprisoned in any other gaol or place of confinement for any term less than two years, with or without hard labour, and with or without solitary confinement.

Or any fraudulent transfer.

Clerks making out false dividend warrants, &c.

9. Whosoever being a clerk, officer or servant of, or other person employed or entrusted by the Government of Canada, or of any one of the Provinces of Ontario, Quebec, Nova Scotia, or New Brunswick, or being a Clerk or officer or servant of, or other person employed or entrusted by any bank in which any of such books and accounts as are mentioned in the next preceding section, are kept, knowingly makes out, or delivers any dividend warrant, or warrant for payment of any annuity, interest or money payable as aforesaid, for a greater or less amount than the person on whose behalf such warrant is made out is entitled to, with intent to defraud, is guilty of felony, and shall be liable to be imprisoned in the Penitentiary for any term not exceeding seven years, and not less than two years, or to be imprisoned in any other gaol or place

place

place of confinement for any term less than two years, with or without hard labour, and with or without solitary confinement.

As to forging debentures, stock, exchequer bills, &c.

10. Whosoever forges or alters, or offers, utters, disposes of or puts off, knowing the same to be forged or altered, any debenture or other security, issued under the authority of any Act of the Legislature of any one of the late Provinces of Upper Canada, Lower Canada or Canada, or of the Parliament of Canada, or of the Legislature of any one of the Provinces of Quebec, Ontario, Nova Scotia or New Brunswick, or any exchequer bill or exchequer bond, or any Dominion or Provincial note, or any endorsement on or assignment of any such debenture, exchequer bill or exchequer bond, or other security, issued under the authority of any Act of the Legislature of any one of the late Provinces of Upper Canada, Lower Canada, or Canada, or of the Parliament of Canada, or of the Legislature of any one of the Provinces of Quebec, Ontario, Nova Scotia or New Brunswick, or any coupon, receipt or certificate for interest accruing thereon, or any scrip in lieu of land as aforesaid, with intent to defraud, is guilty of felony, and shall be liable to be imprisoned in the Penitentiary for life, or for any term not less than two years, or to be imprisoned in any other gaol or place of confinement for any term less than two years, with or without hard labour, and with or without solitary confinement.

Forging debentures, Dominion notes, exchequer bills, bonds, &c., or indorsements thereon, or any coupon certificate, &c.

11. Whosoever, without lawful authority or excuse (the proof whereof shall lie on the party accused), makes, or causes, or procures to be made, or aids, or assists in making, or knowingly has in his custody or possession, any frame, mould or instrument, having therein any words, letters, figures, marks, lines, or devices, peculiar to or appearing in the substance of any paper provided or to be provided and used for any such debentures, exchequer bills, or exchequer bonds, Dominion Notes or Provincial Notes, or other securities as aforesaid, or any machinery for working any threads into the substance of any such paper, or any such thread, and intended to imitate such words, letters, figures, marks, lines, threads, or devices, or any plate peculiarly employed for printing such debentures, exchequer bills, or exchequer bonds, or such notes, or other securities, or any die or seal peculiarly used for preparing any such plate, or for sealing such debentures, exchequer bills or exchequer bonds, notes or other securities, or any plate, die or seal, intended to imitate any such plate, die, or seal as aforesaid, is guilty of felony, and shall be liable to be imprisoned in the Penitentiary for any term not exceeding seven years and not less than two years, or to be imprisoned in any other gaol or place of confinement for any term less than two years, with or without hard labour, and with or without solitary confinement.

Making plates, &c., in imitation of those used for debentures, exchequer bills, &c.

Making paper in imitation of that used for debentures, exchequer bills, &c.

12. Whosoever, without lawful authority or excuse (the proof whereof shall lie on the party accused), makes, or causes, or procures to be made, or aids or assists in making any paper in the substance of which appear any words, letters, figures, marks, lines, threads or other devices peculiar to and appearing in the substance of any paper provided or to be provided or used for such debentures, exchequer bills, or exchequer bonds, notes, or other securities aforesaid, or any part of such words, letters, figures, marks, lines, threads or other devices, and intended to imitate the same, or knowingly has in his custody or possession any paper whatsoever, in the substance whereof appear any such words, letters, figures, marks, lines, threads or devices as aforesaid, or any parts of such words, letters, figures, marks, lines, threads or other devices and intended to imitate the same, or causes or assists in causing any such words, letters, figures, marks, lines, threads or devices as aforesaid, or any part of such words, letters, figures marks, lines, threads and other devices, and intended to imitate the same, to appear in the substance of any paper whatever, or takes, or assists in taking an impression of any such plate, die, or seal, as in the last preceding section mentioned, is guilty of felony, and shall be liable to be imprisoned in the Penitentiary for any term not exceeding seven years and not less than two years, or to be imprisoned in any other gaol or place of confinement for any term not less than two years, with or without hard labour, and with or without solitary confinement.

Having in possession paper, &c., for debentures, exchequer bills, &c.

13. Whosoever, without lawful authority or excuse (the proof whereof shall lie on the party accused), purchases, or receives, or knowingly has in his custody or possession, any paper manufactured and provided by or under the directions of the Government of Canada, or of any one of the Provinces of Ontario, Quebec, Nova Scotia or New Brunswick, for the purpose of being used as such debentures, exchequer bills, or exchequer bonds notes, or other sucurities as aforesaid, before such paper has been duly stamped, signed and issued for public use, or any such plate, die or seal, as in the two last proceeding sections mentioned, is guilty of a misdemeanor, and shall be liable to be imprisoned in any gaol or place of confinement other than a Penitentiary, for any term less than two years, with or without hard labour.

As to forging Stamps.

Forging stamps or stamped paper.

14. Whosoever forges, counterfeits or imitates or procures to be forged, counterfeited or imitated any stamp or stamped paper, issued or authorized to be used by any Act of the Parliament of Canada, or of the Legislature of any of the Provinces of Quebec, Ontario, Nova Scotia or New Brunswick, by means whereof any duty thereby imposed may be paid, or any part or portion of any such stamp,—or knowingly uses, offers, sells or exposes to sale, any such forged, counterfeited or imitated stamp,—or engraves, cuts, sinks or makes, any plate, die or other thing whereby to make or imitate such stamp or any part or portion thereof, except by per-

Or tools for making the same.

mission

mission of any officer or person who, being duly authorized in that behalf by the Government of Canada or of any of the Provinces aforesaid, may lawfully grant such permission—or has possession of any such plate, die or other thing, without such permission, or, without such permission, uses or has possession of any such plate, die or thing lawfully engraved, cut or made,—or tears off or removes from any instrument, on which a duty is payable, any stamp by which such duty has been wholly or in part paid, or removes from any such stamp any writing or mark indicating that it has been used for or towards the payment of any such duty,—is guilty of felony, and shall be liable to be imprisoned in the Penitentiary for any term not exceeding twenty-one years, and not less than two years, or in any other gaol or place of confinement for any term less than two years, with or without hard labor, and with or without solitary confinement. **Removing stamps from instruments, &c.**

As to forging bank notes.

15. Whosoever forges, or alters, or offers, utters, disposes of, or puts off, knowing the same to be forged or altered, any note or bill of exchange of any body corporate, company or person carrying on the business of bankers, commonly called a bank note, a bank bill of exchange, or a bank post bill, or any endorsement on or assignment of any bank note, bank bill of exchange, or bank post bill, with intent to defraud, is guilty of felony, and shall be liable to be imprisoned in the Penitentiary for life, or for any term not less than two years, or to be imprisoned in any other gaol or place of confinement for any term less than two years, with or without hard labor, and with or without solitary confinement. **Forging bank notes, bills, &c**

16. Whosoever, without lawful authority or excuse (the proof whereof shall lie on the party accused), purchases or receives from any other person, or has in his custody or possession any forged bank note, bank bill of exchange, or bank post bill, or blank bank note, blank bank bill of exchange, or blank bank post bill, knowing the same to be forged, is guilty of felony, and shall be liable to be imprisoned in the Penitentiary for any term not exceeding fourteen years and not less than two years, or to be imprisoned in any other gaol or place of confinement for any term less than two years, with or without hard labor. **Purchasing or receiving or having forged bank notes, &c.**

As to making paper and engraving plates, &c., for bank notes, &c.

17. Whosoever, without lawful authority or excuse (the proof whereof shall lie on the party accused), makes or uses, or knowingly has in his custody or possession, any frame, mould or instrument for the making of paper used for Dominion or Provincial notes, or for Bank-notes with any words used in such notes, or any part of such words intended to resemble or pass for the same, visible in the substance of the paper, or for the making of paper with curved or waving bar lines, or with the laying wire lines thereof **Making or having moulds for making paper with words used for Dominion Notes, Bank Notes, &c., or selling such paper.**

thereof in a waving or curved shape, or with any number, sum or amount expressed in a word or words in letters, visible in the substance of the paper, or with any device or distinction peculiar to and appearing in the substance of the paper used for such notes, respectively, or makes, uses, sells, exposes to sale, utters or disposes of, or knowingly has in his custody or possession any paper whatsoever with any words used in such notes, or any part of such words, intended to resemble and pass for the same, visible in the substance of the paper, or any paper with curved or waving bar lines, or with the laying wire lines thereof in a waving or curved shape, or with any number, sum, or amount expressed in a word or words in letters, appearing visible in the substance of the paper, or with any device or distinction peculiar to and appearing in the substance of the paper used for any such notes respectively, or by any art or contrivance causes any such words or any part of such words, intended to resemble and pass for the same, or any device or distinction peculiar to and appearing in the substance of the paper used for any such notes, respectively, to appear visible in the substance of any paper, or causes the numerical sum or amount of any such note, in a word or words in letters to appear visible in the substance of the paper, whereon the same is written or printed, is guilty of felony, and shall be liable to be imprisoned in the Penitentiary for any term not exceeding fourteen years and not less than two years, or to be imprisoned in any other gaol or place of confinement for any term less than two years, with or without hard labour.

Proviso as to paper used for Bills of exchange, &c.

18. Nothing in the last preceding section contained shall prevent any person from issuing any bill of exchange or promissory note having the amount thereof expressed in a numerical figure or figures denoting the amount thereof in pounds or dollars, appearing visible in the substance of the paper upon which the same is written or printed, nor shall prevent any person from making, using or selling any paper having waving or curved lines, or any other devices in the nature of watermarks visible in the substance of the paper, not being bar lines or laying wire lines, provided the same are not so contrived as to form the groundwork or texture of the paper, or to resemble the waving or curved laying wire lines, or bar lines, or the water-marks of the paper used for Dominion Notes or Provincial Notes, or Bank Notes, as aforesaid.

Engraving or having any plate, &c., for making Dominion or Provincial notes or notes of any bank, or having such plate, or uttering or having paper upon which a blank bank note, &c. may be printed.

19. Whosoever, without lawful authority or excuse (the proof whereof shall lie on the party accused), engraves, or in anywise makes upon any plate whatsoever, or upon any wood, stone, or other material, any promissory note, or part of a promissory note, purporting to be a Dominion or Provincial Note or Bank Note, or to be a blank Dominion or Provincial Note or Bank Note, or to be a part of any Dominion or Provincial Note or Bank Note as aforesaid, or any name, word or character, resembling, or apparently intended to resemble, any subscription to any such Dominion or Provincial Note or

Bank

Bank Note, as aforesaid, or use any such plate, wood, stone or other material, or any other instrument or device for the making or printing of any such note, or part of such note, or knowingly has in his custody or possession any such plate, wood, stone, or other material, or any such instrument or device, or knowingly offers, utters, disposes of, or puts off, or has in his custody or possession any paper upon which any blank Dominion or Provincial Note or Bank Note, or part of any such note, or any name, word or character resembling, or apparently intended to resemble, any such subscription, is made or printed, is guilty of felony, and shall be liable to be imprisoned in the Penitentiary for any term not exceeding fourteen years and not less than two years, or to be imprisoned in any other gaol or place of confinement for any term less than two years, with or without hard labour, and with or without solitary confinement.

20. Whosoever, without lawful authority or excuse (the proof whereof shall lie on the party accused), engraves or in anywise makes upon any plate whatsoever, or upon any wood, stone or other material, any word, number, figure, device, character or ornament, the impression taken from which resembles, or is apparently intended to resemble any part of a Dominion or Provincial Note or Bank Note, or uses, or knowingly has in his custody or possession any such plate, wood, stone, or other material, or any other instrument or device for the impressing or making upon any paper or other material any word, number, figure, character or ornament, which resembles, or is apparently intended to resemble any part of any such note, as aforesaid, or offers, utters, disposes of or puts off, or has in his custody or possession any paper or other material upon which there is an impression of any such matter as aforesaid, is guilty of felony, and shall be liable to be imprisoned in the Penitentiary for any term not exceeding fourteen years and not less than two years, or to be imprisoned in any other gaol or place of confinement for any term less than two years, with or without hard labour, and with or without solitary confinement.

Engraving on a plate, &c., any word, number, or device, resembling part of a Dominion or Provincial or bank note, or using or having any such plate, &c., or uttering or having any paper on which any such word, &c., is impressed.

21. Whosoever, without lawful authority or excuse (the proof whereof shall lie on the party accused), makes or uses any frame, mould, or instrument for the manufacture of paper with the name or firm of any bank or body corporate, company or person carrying on the business of bankers appearing visible in the substance of the paper, or knowingly has in his custody or possession, any such frame, mould or instrument, or makes, uses, sells, or exposes to sale, utters or disposes of, or knowingly has in his custody or possession, any paper in the substance of which the name or firm of any such bank, body corporate, company or person appears visible, or by any art or contrivance causes the name or firm of any such bank, body corporate, company, or person to appear visible in the substance of the paper upon which the same is written or printed, is guilty of felony, and shall be liable to be imprisoned in the Penitentiary for any term not exceeding fourteen

Making or having mould for making paper with the name of any bank, or making or having such paper.

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teen years, and not less than two years, or to be imprisoned in any other gaol or place of confinement for any term less than two years, with or without hard labour, and with or without solitary confinement.

Engraving plates for foreign bills or notes, or using or having such plates, or uttering paper on which any part of such bill or note is printed.

22. Whosoever forges or alters, or offers, utters, disposes of or puts off, knowing the same to be forged or altered, any bill of exchange, promissory note, undertaking or order for payment of money, in whatever language or languages the same may be expressed, and whether the same is or is not under seal, purporting to be the bill, note, undertaking or order of any foreign Prince or State, or of any minister or officer in the service of any foreign Prince or State, or of any body corporate or body of the like nature constituted or recognized by any foreign Prince or State, or of any person or company of persons resident in any country not under the Dominion of Her Majesty, or whosoever, without lawful authority or excuse (the proof whereof shall lie on the party accused), engraves or in anywise makes upon any plate whatever, or upon any wood, stone or other material, any bill of exchange, promissory note, undertaking, or order for payment of money, or any part of any bill of exchange, promissory note, undertaking, or order for payment of money, in whatsoever language the same may be expressed, and whether the same is or is not, or is or is not intended to be, under seal, purporting to be the bill, note, undertaking or order, or part of the bill, note, undertaking or order of any foreign prince or state, or of any minister or officer in the service of any foreign prince or state, or of any body corporate, or body of the like nature, constituted or recognized by any foreign prince or state, or of any person or company of persons resident in any country not under the Dominion of Her Majesty, or uses or knowingly has in his custody or possession any plate, stone, wood, or other material, upon which any such foreign bill, note, undertaking, or order, or any part thereof, is engraved or made, or knowingly offers, utters, disposes of, or puts off, or has in his custody or possession, any paper upon which any part of any such foreign bill, note, undertaking or order is made, or printed, is guilty of felony, and shall be liable to be imprisoned in the Penitentiary for any term not exceeding fourteen years and not less than two years, or to be imprisoned in any other gaol or place of confinement for any term less than two years, with or without hard labour, and with or without solitary confinement.

As to forging deeds, wills, bills of exchange, &c.

Forging deeds, bonds, &c., or uttering the same.

23. Whosoever, with intent to defraud, forges, or alters, or offers, utters, disposes of, or puts off, knowing the same to be forged or altered, any deed, or any bond, or writing obligatory, or any assignment at law or in equity, of any such bond or writing obligatory, or forges any name, hand-writing or signature purporting to be the name, hand-writing or signature of a witness attesting the execution of any deed, bond or writing obligatory, or

or offers, utters, disposes of, or puts off, any deed, bond or writing obligatory, having thereon any such forged name, hand-writing or signature, knowing the same to be forged, is guilty of felony, and shall be liable to be imprisoned in the Penitentiary for life, or for any term not less than two years, or to be imprisoned in any other gaol or place of confinement for any term less than two years, with or without hard labour, and with or without solitary confinement.

24. Whosoever, with intent to defraud, forges or alters, or offers, utters, disposes of, or puts off, knowing the same to be forged or altered, any will, testament, codicil, or testamentary instrument, is guilty of felony, and shall be liable to be imprisoned in the Penitentiary for life or for any term not less than two years, or to be imprisoned in any other gaol or place of confinement for any term less than two years, with or without hard labour, and with or without solitary confinement. **Forging wills.**

25. Whosoever forges or alters, or offers, utters, disposes of, or puts off, knowing the same to be forged or altered, any bill of exchange, or any acceptance, indorsenent or assignment of any bill of exchange, or any promissory note for the payment of money, or any indorsement on or assignment of any such promis-note, with intent to defraud, is guilty of felony, and shall be liable to be imprisoned in the Penitentiary for life or for any term not less than two years, or to be imprisoned in any other gaol or place of confinement for any term less than two years, with or without hard labour, and with or without solitary confinement. **Forging bills of exchange or promissory notes.**

26. Whosoever forges, or alters, or offers, utters, disposes of, or puts off, knowing the same to be forged or altered, any undertaking, warrant, order, authority, or request, for the payment of money, or for the delivery or transfer of any goods or chattels, or of any note, bill, or other security for the payment of money, or for procuring or giving credit, or any indorsement on or assignment of any such undertaking, warrant, order, authority, or request, or any accountable receipt, acquittance or receipt, for money, or for goods, or for any note, bill, or other security for the payment of money, or any indorsement on or assignment of any such accountable receipt, or any account, book or thing written or printed or otherwise made capable of being read, with intent, in any of the cases aforesaid, to defraud, is guilty of felony, and shall be liable to be imprisoned in the Penitentiary for life or for any term not less than two years, or to be imprisoned in any other gaol or place of confinement for any term less than two years, with or without hard labour, and with or without solitary confinement. **Forging orders, receipts, &c., for money, goods, &c.**

27. Whosoever, with intent to defraud, draws, makes, signs, accepts or indorses, any bill of exchange or promissory note, or any undertaking, warrant, order, authority, or request for the payment of money, or for the delivery or transfer of goods or chattels, **Making or accepting any bill, &c., by procuration, without lawful authority, or**

uttering such bill, with intent to defraud.

chattels, or of any bill, note, or other security for money, by procuration or otherwise, for, in the name, or on the account of any other person, without lawful authority or excuse, or offers, utters, disposes of, or puts off, any such bill, note, undertaking, warrant, order, authority, or request, so drawn, made, signed, accepted, or indorsed by procuration or otherwise, without lawful authority or excuse, as aforesaid, knowing the same to have been so drawn, made, signed, accepted, or indorsed as aforesaid, is guilty of felony, and shall be liable to be imprisoned in the Penitentiary for any term not exceeding fourteen years and not less than two years, or to be imprisoned in any other gaol or place of confinement for any term less than two years, with or without hard labour, and with or without solitary confinement.

Obliterating crossing on cheques.

28. Whenever any cheque or draft on any banker is crossed with the name of a banker, or with two transverse lines with the words "and company," or any abbreviation thereof, whosoever obliterates, adds to, or alters any such crossing, or offers, utters, disposes of, or puts off, any cheque or draft whereon any such obliteration, addition, or alteration has been made, knowing the same to have been made, with intent in any of the cases aforesaid to defraud, is guilty of felony, and shall be liable to be imprisoned in the Penitentiary for life or for any term not less than two years, or to be imprisoned in any other gaol or place of confinement for any term less than two years, with or without hard labour, and with or without solitary confinement.

Forging debentures.

29. Whosoever fraudulently forges, or alters, or offers, utters, disposes of, or puts off, knowing the same to be forged or fraudulently altered, any debenture issued under any lawful authority whatsoever, either within Her Majesty's dominions, or elsewhere, is guilty of felony, and shall be liable to be imprisoned in the Penitentiary for any term not exceeding fourteen years and not less than two years, or to be imprisoned in any other gaol or place of confinement for any term less than two years, with or without hard labour, and with or without solitary confinement.

As to forging private marks, &c.

Forging such marks.

30. Whosoever knowingly and wilfully, and with intent to defraud, forges or counterfeits, or causes or procures to be forged or counterfeited any private or trade mark, token, stamp or label of any manufacturer, mechanic or other person, upon or with respect to any goods, wares or merchandise whatsoever, is guilty of felony, and shall be liable to be imprisoned in any common gaol or place of confinement other than a Penitentiary for any term less than two years.

Vending goods falsely marked.

31. Whosoever vends any goods, wares or merchandise, having thereon any forged or counterfeited private or trade mark, token, stamp or label, purporting to be the private mark, token, stamp or label of any other person, knowing the same at the time of the sale thereof by him, to be forged or counterfeited, is guilty of

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a misdemeanor, and shall be liable to be imprisoned in any common gaol or place of confinement other than a Penitentiary for any term not exceeding six months, or to a fine of not more than one hundred dollars or both, in the discretion of the Court.

Forging Railway tickets, &c.

32. Whosoever knowingly forges, or utters, knowing the same to be forged, any ticket or order for a free or paid passage on any Railway or on any Steam or other Vessel, with intent to defraud, is guilty of felony, and shall be liable to be imprisoned in the Penitentiary for a term not exceeding three years nor less than two years, or to be imprisoned in any common gaol or place of confinement other than a Penitentiary for any term less than two years.

As to forging records, process, instruments of evidence, &c.

Forging proceedings of Courts of Record or Courts of Equity, &c.

33. Whosoever forges or fraudulently alters or offers, utters, disposes of, or puts off, knowing the same to be forged or fraudulently altered, any record, writ, return, panel, process, rule, order, warrant, interrogatory, deposition, affidavit, affirmation, recognizance, *cognovit actionem*, or warrant of attorney, or any original document whatsoever, of or belonging to any Court of Record, or any bill, petition, process, notice, rule, answer, pleading, interrogatory, deposition, affidavit, affirmation, report, order, or decree, or any original document whatsoever of or belonging to any Court of Equity or Court of Admiralty, or any original document whatsoever of or belonging to any Court of Justice, or any document or writing, or any copy of any document or writing, used or intended to be used as evidence in any Court in this section mentioned, is guilty of felony, and shall be liable to be imprisoned in the Penitentiary for any term not exceeding seven years and not less than two years, or to be imprisoned in any other gaol or place of confinement for any term less than two years, with or without hard labour, and with or without solitary confinement.

Uttering false copies or certificates of records, or process, of Courts not of record, or using forged process.

34. Whosoever, being the clerk of any Court, or other officer having the custody of the records of any Court, or being the deputy of any such clerk or officer, utters any false copy or certificate of any record, knowing the same to be false; and whosoever, other than such clerk, officer or deputy, signs or certifies any copy or certificate of any record as such clerk, officer or deputy; and whosoever forges or fraudulently alters, or offers, utters, disposes of or puts off, knowing the same to be forged or fraudulently altered, any copy or certificate of any record, or offers, utters, disposes of or puts off, any copy or certificate of any record having thereon any false or forged name, hand-writing or signature, knowing the same to be false or forged; and whosoever forges the seal of any Court of Record, or forges or fraudulently alters any process of any Court whatsoever, or serves or enforces any forged process of any Court whatsoever, knowing the same to be forged, or delivers or causes to be delivered to any person any paper, falsely purporting to be any such process, or a copy thereof,

or to be any judgment, decree or order of any Court of law or equity, or a copy thereof, knowing the same to be false, or acts or professes to act under any such false process, knowing the same to be false, is guilty of felony, and shall be liable, to be imprisoned in the Penitentiary for any term not exceeding seven years and not less than two years, or to be imprisoned in any other gaol or place of confinement for any term less than two years, with or without hard labour, and with or without solitary confinement.

Forging instruments made evidence by any Act of Parliament, &c.

35. Whosoever forges or fraudulently alters or offers, utters, disposes of or puts off, knowing the same to be forged or fraudulently altered, any instrument, whether written or printed, or partly written and partly printed, which is or shall be made evidence by any Act passed by the Legislature of any one of the late Provinces of Upper Canada, Lower Canada or Canada, or passed or to be passed by the Parliament of Canada or by the Legislature of any one of the Provinces of Ontario, Quebec, Nova Scotia or New Brunswick, and for which offence no other punishment is herein provided, is guilty of felony, and shall be liable to be imprisoned in the Penitentiary for any term not exceeding seven years nor less than two years, or to be imprisoned in any other gaol or place of confinement for any term less than two years, with or without hard labour, and with or without solitary confinement.

Document may be impounded on request of parties against whom it may have been used.

36. Whenever any such instrument has been admitted in evidence, the Court or the Judge or person who has admitted the same, may at the request of any party against whom the same has been admitted in evidence, direct that the same shall be impounded and be kept in custody of some Officer of the Court or other proper person, for such period, and subject to such conditions as the Court, Judge or person admitting the same, may seem meet.

As to forging notarial acts, registers of deeds, &c.

Forgery as to notarial instruments, or other authentic documents, or as to the registry of deeds.

37. Whosoever forges or fraudulently alters, or offers, utters, disposes of or puts off, knowing the same to be forged or fraudulently altered, any notarial act or instrument, or copy, purporting to be an authenticated copy thereof, or any *proces verbal* of a surveyor, or like copy thereof, or forges or fraudulently alters, or offers, or utters, disposes of, puts off, knowing the same to be forged or fraudulently altered, any duplicate of any instrument, or any memorial affidavit, affirmation, entry, certificate, indorsement, document, or writing, made or issued under the provisions of any Act heretofore passed by the Legislature of any one of the late Provinces of Upper Canada, Lower Canada, or Canada, or passed or hereafter to be passed by the Parliament of Canada, or by the Legislature of any one of the Provinces of Ontario, Quebec, Nova Scotia, or New Brunswick, for or relating to the registry of deeds, or other instruments or documents respecting or concerning the title to or claims upon any real or personal property whatever, or forges, or counterfeits the seal of or belonging to any office

office for the registry of deeds, or other instruments as aforesaid, or any stamp or impression of any such seal; or forges any name, hand-writing or signature, purporting to be the name, hand-writing or signature of any person to any such memorial, affidavit, affirmation, entry, certificate, indorsement, document, or writing, required or directed to be signed by or by virtue of any Act, passed, or to be passed, or offers, utters, disposes of, or puts off, any such memorial or other writing as in this section before mentioned, having thereon any such forged stamp or impression of any such seal, or any such forged name, hand-writing or signature, knowing the same to be forged, is guilty of felony, and shall be liable to be imprisoned in the Penitentiary, for any term not exceeding fourteen years and not less than two years, or to be imprisoned in any other gaol or place of confinement for any term less than two years, with or without hard labour, and with or without solitary confinement.

As to forging orders, &c., of Justices of the Peace.

Forging orders of justices, recognizances, affidavits, &c.

38. Whosoever, with intent to defraud, forges or alters, or offers, utters, disposes of or puts off, knowing the same to be forged or altered, any summons, conviction, order or warrant, of any Justice of the Peace, or any recognizance purporting to have been entered into before any Justice of the Peace or other officer authorized to take the same, or any examination, deposition, affidavit, affirmation or solemn declaration, taken or made before any Justice of the Peace, is guilty of felony, and shall be liable to be imprisoned in the Penitentiary for any term not exceeding three years nor less than two years, or to be imprisoned in any other gaol or place of confinement for any term less than two years, with or without hard labour, and with or without solitary confinement.

As to forging the names of Judges, &c.

Forging name of Judge, &c.

39. Whosoever, with intent to defraud, forges or alters any certificate, report, entry, indorsement, declaration of trust, note, direction, authority, instrument or writing made or purporting or appearing to be made by any Judge, officer or clerk, of any Court in Canada, or the name, hand-writing or signature of any such Judge, officer or clerk, as aforesaid, or offers, utters, disposes of, or puts off any such certificate, report, entry, indorsement, declaration of trust, note, direction, authority, instrument or writing knowing the same to be forged or altered, is guilty of felony, and shall be liable to be imprisoned in the Penitentiary for any term not exceeding fourteen years and not less than two years, or to be imprisoned in any other gaol or place of confinement for any term less than two years, with or without hard labour, and with or without solitary confinement.

As to falsely acknowledging recognizances, &c.

Acknowledging recognizance, bail, cognovit, &c., in the name of another.

40. Whosoever, without lawful authority or excuse (the proof whereof shall lie on the party accused), in the name of any other person, acknowledges any recognizance of bail, or any *cognovit actionem*, or judgment, or any deed or other instrument, before any Court, Judge, Notary, or other person lawfully authorized in that behalf, is guilty of felony, and shall be liable to be imprisoned in the Penitentiary for any term not exceeding seven years and not less than two years, or to be imprisoned in any other gaol or place of confinement for any term less than two years, with or without hard labour, and with or without solitary confinement.

As to forging marriage licenses.

Forging or uttering forged marriage license or certificate.

41. Whosoever forges or fraudulently alters any license or certificate for marriage, or offers, utters, disposes of or puts off any such license or certificate, knowing the same to be forged or fraudulently altered, is guilty of felony, and shall be liable, to be imprisoned in the Penitentiary for any term not exceeding seven years and not less than two years, or to be imprisoned in any other gaol or place of confinement for any term less than two years, with or without hard labour, and with or without solitary confinement.

As to forging registers of births, marriages, and deaths.

Forging or defacing, &c., registers of births, baptisms, marriages, deaths or burials.

42. Whosoever unlawfully destroys, defaces or injures, or causes or permits to be destroyed, defaced or injured, any register of births, baptisms, marriages, deaths or burials, which now is or hereafter shall be by law authorized or required to be kept in Canada or in any one of the Provinces of Ontario, Quebec, Nova Scotia or New Brunswick, or any part of any such register, or any certified copy of any such register, or of any part thereof, or forges or fraudulently alters in any such register any entry relating to any birth, baptism, marriage, death or burial, or any part of any such register, or any certified copy of such register, or of any part thereof, or knowingly and unlawfully inserts, or causes or permits to be inserted in any such register, or in any certified copy thereof, any false entry of any matter relating to any birth, baptism, marriage, death or burial, or knowingly and unlawfully gives any false certificate relating to any birth, baptism, marriage, death or burial, or certifies any writing to be a copy or extract from any such register, knowing such writing, or the part of such register whereof such copy or extract is so given, to be false in any material particular, or forges or counterfeits the seal of or belonging to any register office or burial board, or offers, utters, disposes of, or puts off, any such register, entry, certified copy, certificate or seal, knowing the same to be false, forged or altered, or offers, utters, disposes of, or puts off any copy or any entry in any such register, knowing such entry to be false, forged or altered, is guilty of felony, and shall be liable to be imprisoned in

Or uttering the same.

in the Penitentiary for life, or for any term not less than two years, or to be imprisoned in any other gaol or place of confinement for any term less than two years, with or without hard labour, and with or without solitary confinement.

Making false entries in copies of register sent to Registrar.

43. Whosoever knowingly and wilfully inserts, or causes or permits to be inserted, in any copy of any register directed or required by law to be transmitted to any Registrar or other officer, any false entry of any matter relating to any baptism, marriage or burial, or forges or alters, or offers, utters, disposes of, or puts off, knowing the same to be forged or altered, any copy of any register so directed or required to be transmitted as aforesaid, or knowingly or wilfully signs or verifies any copy of any register so directed or required to be transmitted as aforesaid, which copy is false in any part thereof, knowing the same to be false, or unlawfully destroys, defaces or injures, or for any fraudulent purpose takes from its place of deposit, or conceals any such copy of any register, is guilty of felony, and shall be liable to be imprisoned in the Penitentiary for life or for any term not less than two years, or to be imprisoned in any other gaol or place of confinement for any term less than two years, with or without hard labour, and with or without solitary confinement.

As to demanding property upon forged instruments.

Demanding property upon forged instruments.

44. Whosoever, with intent to defraud, demands, receives, or obtains, or causes or procures to be delivered or paid to any person, or endeavors to receive or obtain, or to cause or procure to be delivered or paid to any person, any chattel, money, security for money, or other property whatsoever, under, upon, or by virtue of any forged or altered instrument whatsoever, knowing the same to be forged or altered, or under, upon, or by virtue of any probate or letters of administration, knowing the will, testament, codicil, or testamentary writing, on which such probate or letters of administration are obtained to have been forged or altered, or knowing such probate or letters of administration to have been obtained by any false oath, affirmation or affidavit, is guilty of felony, and shall be liable to be imprisoned in the Penitentiary for any term not exceeding fourteen years and not less than two years, or to be imprisoned in any other gaol or place of confinement for any term less than two years, with or without hard labour, and with or without solitary confinement.

As to cases not otherwise provided for.

Forging any document or writing whatsoever.

45. Whosoever maliciously and for any purpose of fraud or deceit, forges any document or thing written, printed or otherwise made capable of being read, or utters any such forged document or thing knowing the same to be forged, is guilty of felony and shall be liable to be imprisoned in the Penitentiary for life, or for any term not less than two years, or to be imprisoned in any other gaol or place of confinement for any term less than two years

years, with or without hard labour, and with or without solitary confinement; and the wilful alteration for any purpose of fraud or deceit, of any such document or thing or of any document or thing the forging of which is made penal by this Act, shall be held to be a forging thereof.

As to other matters.

Forging any instrument, however designated, which is in law a will, bill of exchange, &c.

46. Where by this or any other Act any person is or shall hereafter be made liable to punishment for forging or altering, or for offering, uttering, disposing of, or putting off, knowing the same to be forged or altered, any instrument or writing designated in such Act by any special name or description, and such instrument or writing, however designated, is in law a will, testament, codicil or testamentary writing, or a deed, bond or writing obligatory, or a bill of exchange, or a promissory note for the payment of money, or an indorsement on, or assignment of a bill of exchange, or promissory note for the payment of money, or an acceptance of a bill of exchange, or an undertaking, warrant, order, authority, or request for the payment of money, or an indorsement on or assignment of an undertaking, warrant, order, authority, or request for the payment of money, within the true intent and meaning of this Act, in every such case the person forging or altering such instrument or writing, or offering, uttering, disposing of, or putting off such instrument or writing, knowing the same to be forged or altered, may be indicted as an offender against this Act, and punished accordingly.

Forging, &c., in Canada, documents purporting to be made, or actually made out of Canada, or forging, &c. in Canada, bills, &c., purporting to be payable out of Canada.

47. Where the forging or altering any writing or matter whatsoever, or the offering, uttering, disposing of, or putting off any writing or matter whatsoever, knowing the same to be forged or altered, is in this Act expressed to be an offence, if any person in Canada forges, or alters, or offers, utters, disposes of, or puts off, knowing the same to be forged or altered, any such writing or matter, in whatsoever country or place out of Canada, whether under the dominion of Her Majesty or not, such writing or matter may purport to be made or may have been made, and in whatever language the same or any part thereof may be expressed, every such person, and every person aiding, abetting, or counselling such person, shall be deemed to be an offender within the meaning of this Act, and shall be punishable thereby in the same manner as if the writing or matter had purported to be made or had been made in Canada; and if any person in Canada forges, or alters, or offers, utters, disposes of, or puts off, knowing the same to be forged or altered, any bill of exchange, or any promissory note for the payment of money, or any indorsement on or assignment of any bill of exchange or promissory note for the payment of money, or any acceptance of any bill of exchange, or any undertaking, warrant, order, authority, or request for the payment of money, or for the delivery or transfer of any goods or security, or any deed, bond, or writing obligatory for the payment of money, (whether such deed, bond, or writing obligatory is made

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only for the payment of money, or for the payment of money together with some other purpose,) or any indorsement on or assignment of any such undertaking, warrant, order, authority, request, deed, bond, or writing obligatory, in whatsoever place or country out of Canada, whether under the dominion of Her Majesty or not, the money payable or secured by such bill, note, undertaking, warrant, order, authority, request, deed, bond or writing obligatory may be or may purport to be payable, and in whatever language the same respectively or any part thereof may be expressed, and whether such bill, note, undertaking, warrant, order, authority, or request, be or be not under seal, every such person and every person aiding, abetting or counselling such person, shall be deemed to be an offender within the meaning of this Act, and shall be punishable thereby in the same manner as if the money had been payable or had purported to be payable in Canada.

Forgers, &c., may be tried in the county where they are apprehended or are in custody.

48. Whosoever commits any offence against this Act, or commits any offence of forging, or altering any matter whatsoever, or of offering, uttering, disposing of, or putting of, any matter whatsoever, knowing the same to be forged or altered, whether the offence in any such case be indictable at common law, or by virtue of any Act passed or to be passed, may be dealt with, indicted, tried and punished in any district, county or place in which he is apprehended or in custody, in the same manner in all respects as if the offence had been actually committed in that district, county or place; and every accessory before or after the fact to any such offence, if the same be a felony, and every person aiding, abetting, or counselling the commission of any such offence, if the same be a misdemeanor, may be dealt with, indicted, tried, and punished, in any district, county or place in which he shall be apprehended, or be in custody, in the same manner in all respects as if his offence, and the offence of his principal, had been actually committed in such district, county, or place.

Accessories or abettors.

Description of instrument in indictments for forgery.

49. In any indictment for forging, altering, offering, uttering, disposing of or putting off any instrument, stamp, mark or thing, it shall be sufficient to describe the same by any name or designation by which the same may be usually known, or by the purport thereof, without setting out any copy or *fac-simile* thereof, or otherwise describing the same or the value thereof.

Description of instrument in indictments for engraving, &c.

50. In any indictment for engraving or making the whole or any part of any instrument, matter or thing whatsoever, or for using or having the unlawful custody or possession of any plate or other material upon which the whole or any part of any instrument, matter, or thing whatsoever has been engraved or made, or for having the unlawful custody or possession of any paper upon which the whole or any part of any instrument, matter, or thing whatsoever has been made or printed, it shall be sufficient to describe such instrument, matter, or thing by any name or designation by which the same may be usually known, without setting out

out any copy or *fac-simile* of the whole or any part of such instrument, matter or thing.

Intent to defraud particular persons, need not be alleged or proved.

51. It shall be sufficient in any indictment for forging, altering, uttering, offering, disposing of, or putting off any instrument whatsoever, where it shall be necessary to allege an intent to defraud, to allege that the party accused did the act with intent to defraud, without alleging an intent to defraud any particular person; and on the trial of any such offence it shall not be necessary to prove an intent to defraud any particular person, but it shall be sufficient to prove that the party accused did the act charged with an intent to defraud.

Interpretation as to criminal possession.

52. Where the having any matter or thing in the custody or possession of any person is in this Act expressed to be an offence, if any person has any such matter or thing in his personal custody and possession, or knowingly and wilfully has any such matter or thing in the actual custody and possession of any other person, or knowingly and wilfully has any such matter or thing in any dwelling-house or other building, lodging, apartment, field, or other place, open or enclosed, whether belonging to or occupied by himself or not, and whether such matter or thing is so had for his own use, or for the use or benefit of another, every such person shall be deemed and taken to have such matter or thing in his custody or possession within the meaning of this Act.

Search for paper or implements employed in any forgery, and for forged instruments.

53. If it is made to appear, by information on oath or affirmation before a Justice of the Peace, that there is reasonable cause to believe that any person has in his custody or possession without lawful authority or excuse, any Dominion or Provincial Note, or any note or bill of any bank or body corporate, company, or person carrying on the business of bankers, or any frame, mould, or implement for making paper in imitation of the paper used for such notes or bills, or any such paper, or any plate, wood, stone, or other material, having thereon any words, forms, devices, or characters capable of producing or intended to produce the impression of any such note or bill, or any part thereof, or any tool, implement, or material used or employed, or intended to be used or employed in or about any of the operations aforesaid, or any forged security, document, or instrument whatsoever, or any machinery, frame, mould, plate, die, seal, paper, or other matter or thing used or employed, or intended to be used or employed, in the forgery of any security, document or instrument whatsoever, such Justice may, if he think fit, grant a warrant to search for the same; and if the same is found upon such search, it shall be lawful to seize and carry the same before some Justice of the district, county or place, to be by him disposed of according to law and all such matters and things so seized as aforesaid shall by order of the Court where any such offender is tried, or in case there be no such trial, then by order of some Justice of the Peace, be defaced and destroyed, or otherwise disposed of as such Court or Justice may direct.

Destroying the same.

Competency

Competency of witnesses on trial, &c.

54. In all prosecutions by indictment or information against any person or persons for any offence punishable under this Act, no person shall be deemed an incompetent witness, in support of the prosecution by reason of any interest which such person may have or be supposed to have in respect of any deed, writing, instrument or other matter given in evidence on the trial of such indictment or information; but the evidence of any person or persons so interested or supposed to be interested shall in no case be deemed sufficient to sustain a conviction for any of the said offences unless the same is corroborated by other legal evidence in support of such prosecution. **Competency of witnesses on trial.** **Proviso.**

55. Whosoever, after the commencement of this Act, is convicted of any offence which has been subjected by any Act or Acts to the same pains or penalties as are imposed by the Act passed in the fifth year of the Reign of Queen Elizabeth, intituled: "An Act against forgers of false deeds and writings," for any of the offences first enumerated in the said Act, is guilty of felony, and shall, in lieu of such pains and penalties, be liable to be imprisoned in the Penitentiary for any term not exceeding fourteen years and not less than two years, or to be imprisoned in any other gaol or place of confinement for any term less than two years, with or without hard labour, and with or without solitary confinement. **Other punishments substituted for those of 5 Eliz., c. 14.**

56. Where by any Act now in force in any Province of Canada, any person falsely making, forging, counterfeiting, erasing, or altering any matter whatsoever, or uttering, publishing, offering, disposing of, putting away, or making use of any matter whatsoever, knowing the same to have been falsely made, forged, counterfeited, erased, or altered, or any person demanding, or endeavouring to receive or have anything, or to do or to cause to be done any act, upon or by virtue of any matter whatsoever, knowing such matter to have been falsely made, forged, counterfeited, erased, or altered,—or where by any such Act now in force any person falsely personating another, or falsely acknowledging anything in the name of another, or falsely representing any other person than the real party to be such real party, or wilfully making a false entry in any book, account or document, or in any manner wilfully falsifying any part of any book, account or document, or wilfully making a transfer of any stock, annuity or fund in the name of any person not being the owner thereof, or knowingly taking any false oath, or knowingly making any false affidavit or false affirmation, or demanding or receiving any money or other thing by virtue of any probate or letters of administration, knowing the will on which such probate shall have been obtained to have been false or forged, or knowing such probate or letters of administration to have been obtained by means of any false oath or false affirmation; or where by any such Act now in force any person making or using or knowingly having in his custody **All forgeries which were capital, or punishable more severely than under this Act, and are not otherwise punishable under this Act, shall be punished with imprisonment.**

custody or possession any frame, mould or instrument for the making of paper, with certain words visible in the substance thereof, or any person making such paper, or causing certain words to appear visible in the substance of any paper, would, according to the provisions contained in any such Act, be guilty of felony, and be liable to any greater punishment than is provided by this Act, then and in each of the several cases aforesaid, if any person after the commencement of this Act is convicted of any such felony as is hereinbefore in this section mentioned, or of aiding, abetting, counselling, or procuring the commission thereof, and the same is not punishable under any of the other provisions of this Act, every such person shall be liable to be imprisoned in the Penitentiary for life or for any term not less than two years, or to be imprisoned in any other gaol or place of confinement for any term less than two years, with or without hard labour, and with or without solitary confinement.

Accessories after the fact, to felonies, how punishable.

57. Every accessory after the fact to any felony punishable under this Act, shall be liable to be imprisoned in any gaol or place of confinement, other than the Penitentiary, for any term less than two years, with or without hard labour, and with or without solitary confinement; and every person who aids, abets, counsels or procures the commission of any misdemeanor punishable under this Act, shall be liable to be proceeded against, indicted and punished, as a principal offender.

Or to misdemeanors.

Fine and sureties for keeping the peace; in what cases.

58. Whenever any person is convicted of a misdemeanor under this Act, the Court may, if it thinks fit, in addition to or in lieu of any of the punishments by this Act authorized, fine the offender, and require him to enter into his own recognizances, and to find sureties, both or either, for keeping the peace and being of good behaviour; and in all cases of felonies in this Act mentioned, the Court may, if it thinks fit, require the offender to enter into his own recognizances, and to find sureties, both or either, for keeping the peace, in addition to any of the punishments by this Act authorized; provided that no person shall be imprisoned under this section for not finding sureties, for any period exceeding one year.

Proviso.

Commencement of Act.

59. This Act shall commence and take effect on the first day of January, one thousand eight hundred and seventy.

CAP. XX.

An Act respecting Offences against the Person.

[*Assented to 22nd June*, 1869.]

Preamble.

WHEREAS it is expedient to assimilate, amend and consolidate the Statute Law of the several Provinces of Quebec, Ontario, Nova Scotia and New Brunswick, relating to offences

offences against the person and to extend the same as so consolidated to all Canada: Therefore, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

Homicide.

1. Whosoever is convicted of murder shall suffer death as a felon.* Murder.

2. Upon every conviction for murder, the Court shall pronounce sentence of death, and the same may be carried into execution, and all other proceedings upon such sentence and in respect thereof may be had and taken in the same manner, and the Court before which the conviction takes place shall have the same powers in all respects, as after a conviction for any other felony for which a prisoner may be sentenced to suffer death as a felon. Sentence for murder.

3. All persons who conspire, confederate and agree to murder any person, whether he be a subject of Her Majesty or not, and whether he be within the Queen's dominions or not, and whosoever solicits, encourages, persuades, endeavours to persuade or proposes to any person to murder any other person, whether he be a subject of Her Majesty or not, and whether he be within the Queen's dominions or not, are and is guilty of a misdemeanor, and shall be liable to be imprisoned in the Penitentiary for any term not exceeding ten years and not less than two years, or to be imprisoned in any other gaol or place of confinement for any term less than two years, with or without hard labour. Conspiring or soliciting to murder.

4. Every accessory after the fact to murder, shall be liable to be imprisoned in the Penitentiary for life or for any term not less than two years, or to be imprisoned in any other gaol or place of confinement for any term less than two years, with or without hard labour. Punishment of accessories after the fact.

5. Whosoever is convicted of manslaughter shall be liable to be imprisoned in the Penitentiary for life, or for any term not less than two years, or to be imprisoned in any other gaol or place of confinement for any term less than two years, with or without hard labour, or to pay such fine as the Court may award, in addition to or without any such other discretionary punishment as aforesaid. Manslaughter.

6. In any indictment for murder or manslaughter, or for being an accessory to any murder or manslaughter, it shall not be necessary to set forth the manner in which, or the means by which, the death of the deceased was caused, but it shall be sufficient in any indictment for murder to charge that the defendant did feloniously, wilfully, of his malice aforethought, kill and murder the deceased; and it shall be sufficient in any indictment for manslaughter Indictment for murder or manslaughter.

manslaughter to charge that the defendant did feloniously kill and slay the deceased; and it shall be sufficient in any indictment against any accessory to any murder or manslaughter to charge the principal with the murder or manslaughter (as the case may be), in the manner hereinbefore specified, and then to charge the defendant as an accessory, in the manner heretofore used and accustomed, or by law provided.

Excusable homicide.

7. No punishment or forfeiture shall be incurred by any person who kills another by misfortune, or in his own defence, or in any other manner without felony.

Petit treason.

8. Every offence which before the abolition of the crime of petit treason, would have amounted to petit treason, shall be deemed to be murder only, and no greater offence; all persons guilty in respect thereof, whether as principals or accessories, shall be dealt with, indicted, tried and punished as principals and accessories in murder.

Provision for trial of murder or manslaughter where the death or cause of death only happens in Canada.

9. Where any person, being feloniously stricken, poisoned, or otherwise hurt, upon the sea, or at any place out of Canada, shall die of such stroke, poisoning, or hurt, in Canada, or, being feloniously stricken, poisoned, or otherwise hurt at any place in Canada, shall die of such stroke, poisoning, or hurt, upon the sea, or at any place out of Canada, every offence committed in respect of any such case, whether the same amounts to murder or manslaughter, or of being accessory to murder or manslaughter, may be dealt with, inquired of, tried, determined and punished in the district, county or place in Canada in which such death, stroke, poisoning, or hurt happens, in the same manner in all respects as if such offence had been wholly committed in that district, county or place.

Attempts to murder.

Administering poison, or wounding with intent to murder.

10. Whosoever administers or causes to be administered to or to be taken by any person, any poison or other destructive thing, or by any means whatsoever, wounds or causes any grievous bodily harm to any person, with intent, in any of the cases aforesaid, to commit murder, is guilty of felony, and shall suffer death as a felon.

Destroying or damaging a building with gunpowder, with intent to murder.

11. Whosoever, by the explosion of gunpowder or other explosive substance, destroys, or damages any building, with intent to commit murder, is guilty of felony and shall be liable to be imprisoned in the Penitentiary for life, or for any term not less than two years, or to be imprisoned in any other gaol or place of confinement for any term less than two years, with or without hard labour, and with or without solitary confinement.

12. Whosoever sets fire to any ship or vessel, or any part thereof, or any part of the tackle, apparel, or furniture thereof, or any goods or any chattels being therein, or casts away or destroys any ship or vessel, with the intent in any of such cases to commit murder, is guilty of felony, and shall be liable to be imprisoned in the Penitentiary for life or for any term not less than two years, or to be imprisoned in any other gaol or place of confinement for any term less than two years, with or without hard labour, and with or without solitary confinement.

Setting fire to or casting away a ship with intent to murder.

13. Whosoever attempts to administer to, or attempts to cause to be administered to, or to be taken by, any person, any poison or other destructive thing, or shoots at any person, or by drawing a trigger or in any other manner, attempts to discharge any kind of loaded arms at any person, or attempts to drown, suffocate or strangle any person, with intent in any of the cases aforesaid to commit murder, whether any bodily injury be effected or not, is guilty of felony, and shall be liable to be imprisoned in the Penitentiary for life, or for any term not less than two years, or to be imprisoned in any other gaol or place of confinement for any term less than two years, with or without hard labour, and with or without solitary confinement.

Attempting to administer poison, or shooting or attempting to shoot at, or attempting to drown, &c., with intent to murder.

14. Whosoever, by any means other than those specified in any of the preceding sections of this Act, attempts to commit murder, is guilty of felony, and shall be liable to be imprisoned in the Penitentiary for life, or for any term not less than two years, or to be imprisoned in any other gaol or place of confinement for any term less than two years, with or without hard labour, and with or without solitary confinement.

By any other means attempting to commit murder.

Letters threatening to murder.

15. Whosoever maliciously sends, delivers, or utters, or directly or indirectly causes to be received, knowing the contents thereof, any letter or writing threatening to kill or murder any person, is guilty of felony, and shall be liable to be imprisoned in the Penitentiary for any term not exceeding ten years and not less than two years, or to be imprisoned in any other gaol or place of confinement for any term less than two years, with or without hard labour, and with or without solitary confinement.

Sending letters threatening to murder.

Acts causing or tending to cause danger to life or bodily harm.

16. Whosoever unlawfully and maliciously prevents or impedes any person, being on board of or having quitted any ship or vessel in distress, or wrecked, stranded, or cast on shore, in his endeavour to save his life, or unlawfully and maliciously prevents or impedes any person in his endeavour to save the life of any such person as in this section first aforesaid, is guilty of felony, and shall be liable to be imprisoned in the Penitentiary for life, or for any term not less than two years, or to be imprisoned in any other gaol

Impeding a person endeavoring to save himself from shipwreck.

gaol or place of confinement for any term less than two years, with or without hard labour, and with or without solitary confinement.

Shooting or attempting to shoot, or wounding, with intent to do grievous bodily harm.

17. Whosoever unlawfully and maliciously, by any means whatsoever, wounds or causes any grievous bodily harm to any person, or shoots at any person, or, by drawing a trigger or in any other manner, attempts to discharge any kind of loaded arms at any person, with intent in any of the cases aforesaid to maim, disfigure or disable any person, or to do some other grievous bodily harm to any person, or with the intent to resist or prevent the lawful apprehension or detainer of any person, is guilty of felony, and shall be liable to be imprisoned in the Penitentiary for life or for any term not less than two years, or to be imprisoned in any other gaol or place of confinement for any term less than two years, with or without hard labour, and with or without solitary confinement.

What shall constitute loaded arms.

18. Any gun, pistol, or other arm, loaded in the barrel with gunpowder or other explosive substance, and ball, shot, slug or other destructive material, or charged with compressed air and having ball, shot, slug or other destructive material in the barrel, shall be deemed to be loaded arms, within the meaning of this Act, although the attempt to discharge the same may fail for want of proper priming or other cause.

Inflicting bodily injury, with or without weapon.

19. Whosoever unlawfully and maliciously wounds or inflicts any grievous bodily harm upon any other person, either with or without any weapon or instrument, is guilty of a misdemeanor, and shall be liable to be imprisoned in the Penitentiary for any term not exceeding three years and not less than two years, or to be imprisoned in any other gaol or place of confinement for any term less than two years, with or without hard labour; and if upon the trial of any indictment for any felony (except in cases of murder or manslaughter), the indictment alleges that the defendant did cut, stab, wound or inflict grievous bodily harm on any person, and the jury be satisfied that the defendant is guilty of the cutting, stabbing or wounding, or inflicting grievous bodily harm, charged in the indictment, but be not satisfied that the defendant is guilty of the felony charged in such indictment, the jury may acquit of the felony, and find the defendant guilty of unlawfully cutting, stabbing or wounding, or inflicting grievous bodily harm, and such defendant shall be liable to be imprisoned in the Penitentiary for any term not exceeding three years and not less than two years, or to be imprisoned in any gaol or place of confinement, other than the Penitentiary, for any term less than two years.

As to the indictment and verdict in certain cases.

Attempting to choke, &c., in order to commit any indictable offence.

20. Whosoever by any means whatsoever attempts to choke, suffocate or strangle any other person, or by any means calculated to choke, suffocate or strangle, attempts to render any other person insensible, unconscious, or incapable of resistance, with intent in any

any of such cases thereby to enable himself or any other person to commit, or with intent in any of such cases thereby to assist any other person in committing any indictable offence, is guilty of felony, and shall be liable to be imprisoned in the Penitentiary for life, or for any term not less than two years, or to be imprisoned in any other gaol or place of confinement for any term less than two years, with or without hard labour, and if a male with or without whipping.

21. Whosoever unlawfully applies or administers to, or causes to be taken by, or attempts to apply or administer to, or attempts or causes to be administered to or taken by any person, any chloroform, laudanum, or other stupyfying or overpowering drug, matter or thing, with intent in any of such cases thereby to enable himself or any other person to commit, or with intent in any of such cases thereby to assist any other person in committing any indictable offence, is guilty of felony, and shall be liable to be imprisoned in the Penitentiary for life, or for any other term not less than two years, or to be imprisoned in any other gaol or place of confinement for any term less than two years, with or without hard labour, and if a male with or without whipping.

Using chloroform, &c., to commit any indictable offence.

22. Whosoever unlawfully and maliciously administers to, or causes to be administered to or taken by any other person, any poison or other destructive or noxious thing, so as thereby to endanger the life of such person, or so as thereby to inflict upon such person any grievous bodily harm, is guilty of felony, and shall be liable to be imprisoned in the Penitentiary for any term not exceeding ten years and not less than two years, or to be imprisoned in any other gaol or place of confinement for any term less than two years, with or without hard labour.

Maliciously administering poison, &c., so as to endanger life or inflict grievous bodily harm.

23. Whosoever unlawfully and maliciously administers to, or causes to be administered to or taken by any other person, any poison or other destructive or noxious thing, with intent to injure, aggrieve, or annoy such person, is guilty of a misdemeanor, and shall be liable to be imprisoned in the Penitentiary for any term not exceeding three years, and not less than two years, or to be imprisoned in any other gaol or place of confinement for any term less than two years, with or without hard labour.

Maliciously administering poison, &c., with intent to injure, aggravate or annoy any other person.

24. If, upon the trial of any person for any felony in the last but one preceding section mentioned, the jury are not satisfied that such person is guilty thereof, but are satisfied that he is guilty of any misdemeanor in the last preceding section mentioned, then, and in every such case, the jury may acquit the accused of such felony, and find him guilty of such misdemeanor, and thereupon he shall be punished in the same manner as if convicted upon an indictment for such misdemeanor.

Jury may find guilty of misdemeanor, though not of felony.

25.

Not providing wife, child, apprentice, or servant, &c., with food, &c., whereby life is endangered, &c.

25. Whosoever, being legally liable, either as a husband, parent, guardian or committee, master or mistress, nurse or otherwise, to provide for any person as wife, child, ward, lunatic or idiot, apprentice or servant, infant or otherwise, necessary food, clothing, or lodging, wilfully and without lawful excuse, refuses or neglects to provide the same, or unlawfully or maliciously does, or causes to be done, any bodily harm to any such apprentice or servant, so that the life of such apprentice or servant is endangered, or the health of such apprentice or servant has been, or is likely to be, permanently injured, is guilty of a misdemeanor, and shall be liable to be imprisoned in the Penitentiary for any term not exceeding three years and not less than two years, or to be imprisoned in any other gaol or place of confinement for any term less than two years, with or without hard labour.

Exposing children, whereby life is endangered.

26. Whosoever unlawfully abandons or exposes any child being under the age of two years, whereby the life of such child is endangered, or the health of such child has been, or is likely to be permanently injured, is guilty of a misdemeanor, and shall be liable to be imprisoned in the Penitentiary for any term not exceeding three years and not less than two years, or to be imprisoned in any other gaol or place of confinement for any term less than two years, with or without hard labour.

Causing bodily injury by gunpowder, &c.

27. Whosoever unlawfully and maliciously, by the explosion of gunpowder or other explosive substance, burns, maims, disfigures, disables or does any grievous bodily harm to any person, is guilty of felony, and shall be liable to be imprisoned in the Penitentiary for life, or for any term not less than two years, or to be imprisoned in any other gaol or place of confinement for any term less than two years, with or without hard labour and with or without solitary confinement.

Causing gunpowder to explode, or sending to any person an explosive substance, or throwing corrosive fluid on a person with intent to do grievous bodily harm.

28. Whosoever unlawfully and maliciously causes any gunpowder or other explosive substance to explode, or sends or delivers to, or causes to be taken or received by any person, any explosive substance, or any other dangerous or noxious thing, or puts or lays at any place, or casts or throws at or upon, or otherwise applies to any person, any corrosive fluid, or any destructive or explosive substance, with intent in any of the cases aforesaid, to burn, maim, disfigure or disable any person, or to do some grievous bodily harm to any person, whether any bodily harm be effected or not, is guilty of felony, and shall be liable to be imprisoned in the Penitentiary for life, or for any term not less than two years, or to be imprisoned in any other gaol or place of confinement, for any term less than two years, with or without hard labour, and with or without solitary confinement.

Placing gunpowder near a building, with intent to do bodily harm to any person.

29. Whosoever unlawfully and maliciously places or throws in, into, upon, against or near any building, ship or vessel, any gunpowder or other explosive substance, with intent to do any bodily injury to any person, whether or not any explosion takes

place

place, and whether or not any bodily injury is effected, is guilty of felony, and shall be liable to be imprisoned in the Penitentiary for any term not exceeding fourteen years and not less than two years, or to be imprisoned in any other gaol or place of confinement for any term less than two years, with or without hard labour, and with or without solitary confinement.

Setting spring guns, &c., with intent to inflict grievous bodily harm.

30. Whosoever sets or places, or causes to be set or placed, any spring-gun, man-trap, or other engine calculated to destroy human life or inflict grievous bodily harm, with the intent that the same or whereby the same may destroy or inflict grievous bodily harm, upon any trespasser or other person coming in contact therewith, is guilty of a misdemeanor, and shall be liable to be imprisoned in the Penitentiary for any term not exceeding three years and not less than two years, or to be imprisoned in any other gaol or place of confinement for any term less than two years, with or without hard labour;—and whosoever knowingly and wilfully permits any such spring-gun, man-trap, or other engine which may have been set or placed in any place, then being in or afterwards coming into his possession or occupation, by some other person, to continue so set or placed shall be deemed to have set or placed such gun, trap or engine with such intent as aforesaid; Provided, that nothing in this section contained shall extend to make it illegal to set or place any gin or trap such as may have been or may be usually set or placed with the intent of destroying vermin.

Proviso.

Placing wood, &c., on a railway, or removing rails, &c., with intent to endanger passengers.

31. Whosoever unlawfully and maliciously puts or throws upon or across any railway any wood, stone, or other matter or thing, or unlawfully and maliciously takes up, removes or displaces any rail, sleeper, or other matter or thing belonging to any railway, or unlawfully and maliciously turns, moves or diverts any point, or other machinery belonging to any railway, or unlawfully and maliciously makes or shows, hides or removes any signal or light upon or near to any railway, or unlawfully or maliciously does or causes to be done any other matter or thing, with intent, in any of the cases aforesaid, to endanger the safety of any person travelling or being upon such railway, is guilty of felony, and shall be liable to be imprisoned in the Penitentiary for life, or for any term not less than two years, or to be imprisoned in any other gaol or place of confinement for any term less than two years, with or without hard labour.

Casting stones, &c., upon a railway carriage with intent to endanger the safety of any person therein.

32. Whosoever unlawfully and maliciously throws, or causes to fall or strike at, against, into or upon any engine, tender, carriage or truck used upon any railway, any wood, stone, or other matter or thing, with intent to injure or endanger the safety of any person being in or upon such engine, tender, carriage or truck, or in or upon any other engine, tender, carriage or truck of any train, of which such first-mentioned engine, tender, carriage or truck forms part, is guilty of felony, and shall be liable to be imprisoned in the Penitentiary for life, or for any term not less

than

than two years, or to be imprisoned in any other gaol or place of confinement for any term less than two years, with or without hard labour.

Doing anything to endanger passengers by railway.

33. Whosoever, by any unlawful act, or by any wilful omission or neglect of duty, endangers or causes to be endangered the safety of any person conveyed or being in or upon a railway, or aids or assists therein, is guilty of a misdemeanor, and shall be liable to be imprisoned in any gaol or place of confinement other than a Penitentiary, for any term less than two years, with or without hard labour.

Drivers of carriages injuring persons by furious driving.

34. Whosoever, having the charge of any carriage or vehicle, by wanton or furious driving, or racing or other wilful misconduct, or by wilful neglect, does or causes to be done any bodily harm to any person whatsoever, is guilty of a misdemeanor, and shall be liable to be imprisoned in any gaol or place of confinement other than a Penitentiary, for any term less than two years, with or without hard labour.

Negligently causing bodily injury.

35. Whosoever, by any unlawful act, or by doing negligently or omitting to do any act, which it is his duty to do, causes grievous bodily injury to any other person, is guilty of a misdemeanor, and shall be liable to be imprisoned in any gaol or place of confinement other than a Penitentiary for any term less than two years.

Assaults.

Obstructing or assaulting a clergyman or other minister in the discharge of his duties.

36. Whosoever by threats or force, unlawfully obstructs or prevents, or endeavors to obstruct or prevent any clergyman or other minister in or from celebrating Divine Service, or otherwise officiating in any church, chapel, meeting-house, school-house or other place used for Divine Worship, or in or from the performance of his duty in the lawful burial of the dead, in any churchyard or other burial place, or strikes or offers any violence to, or upon any civil process, or under the pretence of executing any civil process, arrests any clergyman or other minister who is engaged in or, to the knowledge of the offender, is about to engage in any of the rites or duties in this section aforesaid, or who, to the knowledge of the offender, is going to perform the same, or returning from the performance thereof, is guilty of a misdemeanor, and shall be liable to be imprisoned in any gaol or place of confinement, other than a Penitentiary for any term less than two years, with or without hard labour.

Disturbing congregations met for religious worship.

37. Whosoever wilfully disturbs, interrupts, or disquiets any assemblage of persons met for religious worship, or for any moral, social or benevolent purpose, by profane discourse, by rude, or indecent behaviour, or by making a noise, either within the place of such meeting or so near it as to disturb the order or solemnity of

of the meeting, may be arrested on view by any peace officer present at such meeting or by any other person present thereto verbally authorized by any Justice of the Peace present thereat, and detained until he can be brought before a Justice of the Peace; and such offender shall, upon conviction thereof before a Justice of the Peace, on the oath of one or more credible witnesses, forfeit and pay such sum of money, not exceeding twenty dollars, as the said Justice may think fit, and costs, within the period specified for the payment thereof, by the convicting Justice at the time of the conviction—and in default of payment, such Justice shall issue his warrant to a constable to levy such fine and costs within a time to be specified in the warrant, and if no sufficient distress can be found, such Justice shall commit the offender to the common gaol of the District, County or place wherein the offence was committed, for any term not exceeding one month, unless the fine and costs be sooner paid.

38. Whosoever assaults and strikes or wounds any magistrate, officer or other person whatsoever, lawfully authorized in or on account of the exercise of his duty, in or concerning the preservation of any vessel in distress, or of any vessel, goods or effects wrecked, stranded, or cast on shore, or lying under water, is guilty of a misdemeanour, and shall be liable to be imprisoned in the Penitentiary for any term not exceeding seven years, and not less than two years, or to be imprisoned in any other gaol or place of confinement for any term less than two years, with or without hard labour. **Assaulting a magistrate, &c., engaged in preserving wreck.**

39. Whosoever assaults any person with intent to commit felony, or assaults, resists, or wilfully obstructs any revenue or peace officer in the due execution of his duty, or any person acting in aid of such officer, or assaults any person with intent to resist or prevent the lawful apprehension or detainer of himself, or of any other person for any offence, is guilty of a misdemeanor, and shall be liable to be imprisoned in any gaol or place of confinement other than a Penitentiary for any term less than two years, with or without hard labour. **Assault with intent to commit felony, or on peace officers, &c.**

40. Whosoever beats or uses any violence or threat of violence to any person with intent to deter or hinder him from buying, selling or otherwise disposing of, any wheat or other grain, flour, meal, malt or potatoes, or other produce or goods, in any market or other place, or beats or uses any such violence or threat to any person having the charge or care of any wheat or other grain, flour, meal, malt or potatoes, whilst on the way to or from any city, market town or other place, with intent to stop the conveyance of the same, shall, on conviction thereof before two Justices of the Peace, be liable to be imprisoned and kept to hard labour in any gaol or place of confinement, other than a Penitentiary, for any term not exceeding three months; Provided that no person punished for any such offence by virtue of this section shall be punished for the same offence by virtue of any other law whatsoever. **Assaults with intent to obstruct the sale of grain, &c.; or its free passage.** **Proviso.**

41.

Assaults on seamen, &c.

41. Whosoever unlawfully and with force hinders or prevents any seaman, stevedore, ship-carpenter or other person usually working at or on board any ship or vessel, from working at or exercising his lawful trade, business or occupation, or beats, or uses any violence to any such person with intent to hinder or prevent him from working at or exercising the same, shall, on conviction thereof before two Justices of the Peace, be liable to be imprisoned and kept to hard labour in any gaol or place of confinement other than a Penitentiary for any term not exceeding three months; provided that no person for any such offence by reason of this section shall be punished for the same offence by any other law whatsoever.

Proviso.

Assaults arising from combination.

42. Whosoever, in pursuance of any unlawful combination or conspiracy to raise the rate of wages, or of any unlawful combination or conspiracy respecting any trade, business or manufacture, or respecting any person concerned or employed therein, unlawfully assaults any person, or in pursuance of any such combination or conspiracy, uses any violence or threat of violence to any person, with a view to hinder him from working or being employed at such trade, business or manufacture, is guilty of a misdemeanor, and shall be liable to be imprisoned in any gaol or place of confinement, other than a Penitentiary, for any term less than two years, with or without hard labour.

Persons committing any common assault or battery may be imprisoned or compelled by any magistrate to pay fine and costs not exceeding $20.

43. Where any person unlawfully assaults or beats any other person, any Justice of the Peace, upon complaint by or on behalf of the party aggrieved, praying him to proceed summarily on the complaint, may hear and determine such offence, and the offender shall, upon conviction thereof before him, at the discretion of the Justice, either be committed to any gaol or place of confinement, other than the Penitentiary, there to be imprisoned, with or without hard labour, for any term not exceeding two months, or else shall forfeit and pay such fine as shall appear to the Justice to be meet, not exceeding the sum of twenty dollars, together with costs (if ordered); and if such fine so awarded, together with the costs (if ordered), are not paid, either immediately after the conviction or within such period as the said Justice shall, at the time of the conviction, appoint, he may commit the offender to any gaol or place of confinement, other than a Penitentiary, there to be imprisoned for any term not exceeding two months, unless such fine and costs be sooner paid.

If the magistrate dismiss the complaint, he shall make out a certificate to that effect.

44. If the Justice, upon the hearing of any case of assault or battery upon the merits, where the complaint was preferred by or on behalf of the party aggrieved, under the last preceding section, deems the offence not to be proved, or finds the assault or battery to have been justified or so trifling as not to merit any punishment, and accordingly dismisses the complaint, he shall forthwith make out a certificate under his hand, stating the fact of such dismissal, and shall deliver such certificate to the party against whom the complaint was preferred.

45. If any person against whom any such complaint, as in either of the last two preceding sections mentioned, has been preferred, by or on the behalf of the party aggrieved, has obtained such certificate, or, having been convicted, has paid the whole amount adjudged to be paid or has suffered the imprisonment, or imprisonment with hard labour awarded, in every such case he shall be released from all further or other proceedings, civil or criminal, for the same cause. Certificate or conviction shall be a bar to any other proceedings.

46. Provided that in case the Justice finds the assault or battery complained of to have been accompanied by an attempt to commit felony, or is of opinion that the same is, from any other circumstance, a fit subject for prosecution by indictment, he shall abstain from any adjudication thereupon, and shall deal with the case in all respects in the same manner as if he had no authority finally to hear and determine the same; Provided also, that nothing herein contained shall authorize any Justice to hear and determine any case of assault or battery, in which any question shall arise as to the title to any lands, tenements, hereditaments, or any interest therein or accruing therefrom, or as to any bankruptcy or insolvency, or any execution under the process of any Court of Justice. These provisions not to apply to certain cases. Further proviso, where title to land, &c., comes in question.

47. Whosoever is convicted upon an indictment, of any assault occasioning actual bodily harm, shall be liable to be imprisoned in the Penitentiary for any term not exceeding three years and not less than two years, or to be imprisoned in any other gaol or place of confinement for any term less than two years, with or without hard labour; and whosoever is convicted upon an indictment for a common assault, shall be liable to be imprisoned in any gaol or place of confinement, other than a Penitentiary, for any term not exceeding one year, with or without hard labour. Assault occasioning bodily harm. Common assault.

48. Neither the Justices of the Peace acting in and for any District, County, Division, City or place, nor any Judge of the Sessions of the Peace, nor the Recorder of any City, shall, at any Session of the Peace, or at any adjournment thereof, try any person for any offence under the twenty-seventh, twenty-eighth, or twenty-ninth Sections of this Act. Court of Q. S. not to try certain offences.

Rape, abduction and defilement of women.

49. Whosoever commits the crime of rape is guilty of felony, and shall suffer death as a felon. Rape.

50. Whosoever by false pretences, false representations, or other fraudulent means, procures any woman or girl under the age of twenty-one years, to have illicit carnal connection with any man other than the procurer, is guilty of a misdemeanor, and shall be liable to be imprisoned in any gaol or place of confinement, other than a Penitentiary, for any term less than two years, with or without hard labour. Procuring the defilement of girl under age.

Carnally knowing a girl under ten years of age.

51. Whosoever unlawfully and carnally knows and abuses any girl under the age of ten years, is guilty of felony, and shall suffer death as a felon.

Carnally knowing a girl between the ages of ten and twelve.

52. Whosoever unlawfully and carnally knows and abuses any girl being above the age of ten years and under the age of twelve years is guilty of a misdemeanor, and shall be liable to be imprisoned in the Penitentiary for any term not exceeding seven years and not less than two years, or to be imprisoned in any other gaol or place of confinement for any term less than two years, with or without hard labour.

Attempt to commit such offence.

53. Whosoever shall be convicted of any indecent assault upon any female, or of any attempt to have carnal knowledge of any girl under twelve years of age, shall be liable to be imprisoned in any gaol or place of confinement, other than a Penitentiary, for any term less than two years, with or without hard labour, and with or without whipping.

Abduction of a woman against her will, from motives of lucre.

Fraudulent abduction of a girl under age against the will of her father, &c.

Offender incapable of taking any of her property.

54. Where any woman of any age has any interest, whether legal or equitable, present or future, absolute, conditional or contingent in any real or personal estate, or is a presumptive heiress or co-heiress or presumptive next of kin, or one of the presumptive next of kin to any one having such interest, whosoever from motives of lucre, takes away or detains such woman against her will with intent to marry or carnally know her, or to cause her to be married or carnally known by any other person; and whosoever fraudulently allures, takes away or detains such woman, being under the age of twenty-one years, out of the possession and against the will of her father and mother or of any other person having the lawful care or charge of her, with intent to marry or carnally know her or to cause her to be married or carnally known by any other person, is guilty of felony, and shall be liable to be imprisoned in the Penitentiary for any term not exceeding fourteen years and not less than two years,—or to be imprisoned in any other gaol or place of confinement for any term less than two years, with or without hard labour; and whosoever is convicted of any offence against this section shall be incapable of taking any estate or interest, legal or equitable, in any real or personal property of such woman, or in which she has any such interest, or which shall come to her as such heiress, co-heiress or next of kin as aforesaid; and if any such marriage as aforesaid shall have taken place, such property shall, upon such conviction be settled in such manner as the Court of Chancery in Ontario, the Supreme Court in Nova Scotia or New Brunswick, or the Superior Court in Quebec, shall appoint, upon any information at the suit of the Attorney General for the Province in which the property is situate.

Forcible abduction of any woman, with intent to marry her.

55. Whosoever by force takes away or detains against her will any woman, of any age, with intent to marry or carnally know her, or to cause her to be married or carnally known by any other person, is guilty of felony, and shall be liable to be

imprisoned

imprisoned in the Penitentiary for any term not exceeding fourteen years and not less than two years,—or to be imprisoned in any other gaol or place of confinement for any term less than two years, with or without hard labour.

56. Whosoever unlawfully takes or causes to be taken any unmarried girl being under the age of sixteen years, out of the possession and against the will of her father or mother or of any other person having the lawful care or charge of her, is guilty of a misdemeanor, and shall be liable to be imprisoned in any gaol or place of confinement, other than a Penitentiary, for any term less than two years, with or without hard labour. Abduction of a girl under sixteen years of age.

Child Stealing.

57. Whosoever unlawfully, either by force or fraud, leads or takes away or decoys or entices away or detains any child under the age of fourteen years, with intent to deprive any parent, guardian or other person having the lawful care or charge of such child, of the possession of such child, or with intent to steal any article upon or about the person of such child, to whomsoever such article may belong, and whosoever, with any such intent, receives or harbours any such child, knowing the same to have been by force or fraud led, taken, decoyed, enticed away or detained, as in this section before mentioned, is guilty of felony, and shall be liable to be imprisoned in the Penitentiary for any term not exceeding seven years and not less than two years, or to be imprisoned in any other gaol or place of confinement for any term less than two years, with or without hard labour; Provided that no person who has claimed any right to the possession of such child, or is the mother, or has claimed to be the father of an illegitimate child, shall be liable to be prosecuted by virtue hereof on account of the getting possession of such child or taking such child out of the possession of any person having the lawful charge thereof. Child stealing. Proviso.

Bigamy.

58. Whosoever, being married, marries any other person during the life of the former husband or wife, whether the second marriage has taken place in Canada, or elsewhere, is guilty of felony, and shall be liable to be imprisoned in the Penitentiary for any term not exceeding seven years and not less than two years, or to be imprisoned in any other gaol or place of confinement for any term less than two years, with or without hard labour; and any such offence may be dealt with, enquired of, tried, determined and punished in any district, county or place in Canada, where the offender is apprehended or is in custody, in the same manner in all respects as if the offence had been actually committed in that district, county or place; Provided that nothing in this section contained shall extend to any second marriage contracted elsewhere than in Canada by any other than a Bigamy. Offence may be dealt with where offender shall be apprehended. Not to extend to second marriages, &c., herein stated.

a subject of Her Majesty resident in Canada and leaving the same with intent to commit the offence, or to any person marrying a second time whose husband or wife has been continually absent from such person for the space of seven years then last past, and was not known by such person to be living within that time, or shall extend to any person who, at the time of such second marriage, was divorced from the bond of the first marriage, or to any person whose former marriage has been declared void by the sentence of any court of competent jurisdiction.

Husband or wife absent seven years, &c., or divorced.

Attempts to procure abortion.

Administering drugs or using instruments to procure abortion.

59. Every woman, being with child, who, with the intent to procure her own miscarriage, unlawfully administers to herself any poison or other noxious thing, or unlawfully uses any instrument or other means whatsoever with the like intent, and whosoever, with intent to procure the miscarriage of any woman, whether she be or be not with child, unlawfully administers to her or causes to be taken by her any poison or other noxious thing, or unlawfully uses any instrument or other means whatsoever with the like intent, is guilty of felony, and shall be liable to be imprisoned in the Penitentiary for life or for any term not less than two years,—or to be imprisoned in any other gaol or place of confinement for any term less than two years, with or without hard labour, and with or without solitary confinement.

Procuring drugs, &c., to cause abortion.

60. Whosoever unlawfully supplies or procures any poison or other noxious thing, or any instrument or thing whatsoever, knowing that the same is intended to be unlawfully used or employed with intent to procure the miscarriage of any woman, whether she be or be not with child, is guilty of a misdemeanor, and shall be liable to be imprisoned in the Penitentiary for the term of two years, or to be imprisoned in any other gaol or place of confinement for any term less than two years, with or without hard labour.

Concealing the birth of a Child.

Concealing the birth of a child.

61. If any woman is delivered of a child, every person who by any secret disposition of the dead body of the said child, whether such child died before, at or after its birth, endeavours to conceal the birth thereof, is guilty of a misdemeanor, and shall be liable to be imprisoned in any gaol or place of confinement other than the Penitentiary, for any term less than two years, with or without hard labour; Provided that if any person tried for the murder of any child, be acquitted thereof, it shall be lawful for the jury by whose verdict such person is acquitted, to find in case it so appears in evidence, that the child had recently been born, and that such person did, by some secret disposition of such child or of the dead body of such child, endeavour to conceal the birth thereof, and thereupon the Court may pass such sentence as if such person had been convicted upon an indictment for the concealment of birth.

Proviso: if the indictment be for murder.

62.

62. No part of the Act passed in the twenty-first year of the reign of King James the First, intituled: *An Act to prevent the destroying and murdering of bastard children*, shall extend to, or be in force in Canada, and the trial of any woman charged with the murder of any issue of her body, male or female, which being born alive, would by law be bastard, shall proceed and be governed by such and like rules of evidence and presumption, as are by law used and allowed to take place in respect to other trials for murder, and as if the said Act passed in the reign of King James the First had never been made. Act of 21 James I, not to be in force in Canada, &c.

Unnatural Offences.

63. Whosoever is convicted of the abominable crime of buggery committed either with mankind or with any animal, shall be liable to be imprisoned in the Penitentiary for life, or for any term not less than two years. Sodomy and bestiality.

64. Whosoever attempts to commit the said abominable crime, or is guilty of any assault with intent to commit the same, or of any indecent assault upon any male person, is guilty of a misdemeanor, and shall be liable to be imprisoned in the Penitentiary for any term not exceeding ten years, and not less than two years, or to be imprisoned in any other gaol or place of confinement for any term less than two years, with or without hard labour. Attempt to commit an infamous crime.

Proof in certain cases.

65. Whenever, upon the trial of any offence punishable under this Act, it is necessary to prove carnal knowledge, it shall not be necessary to prove the actual emission of seed in order to constitute a carnal knowledge, but the carnal knowledge shall be deemed complete on proof of any degree of penetration only. Carnal knowledge defined.

Making Gunpowder to commit offences and searching for the same.

66. Whosoever knowingly has in his possession, or makes or manufactures any gunpowder, or explosive substance or any dangerous or noxious thing, or any machine, engine, instrument or thing, with intent by means thereof to commit, or for the purpose of enabling any other person to commit any of the felonies in this Act, or in any other Act mentioned, is guilty of a misdemeanor, and shall be liable to be imprisoned in any gaol or place of confinement, other than a Penitentiary, for any term less than two years, with or without hard labor, and with or without solitary confinement. Making or having gunpowder, &c.; with intent to commit any felony against this Act.

67. Any Justice of the Peace for any District, County or place in which any such gunpowder, or other explosive, dangerous or noxious substance or thing, or any such machine, engine, instrument or thing is suspected to be made, kept or carried for the purpose of being used in committing any of the felonies in this Act Justices may issue warrants for searching houses, &c., in which explosive substances are sus-

pected to be made for the purpose of committing felonies against this Act.

Act, or in any other Act mentioned, upon reasonable cause assigned upon oath by any person, may issue a warrant under his hand and seal for searching in the day time, any house, mill, magazine, storehouse, warehouse, shop, cellar, yard, wharf or other place or any carriage, waggon, cart, ship, boat or vessel, in which the same is suspected to be made, kept or carried for such purpose as herein before mentioned; and every person acting in the execution of any such warrant may seize any gunpowder or explosive substance or any dangerous or noxious thing, or any machine, engine or instrument or thing which he has good cause to suspect is intended to be used in committing or enabling any other person to commit any offence against this Act, and with all convenient speed after the seizure shall remove the same to such proper place as he thinks fit, and detain the same until ordered by a Judge of one of Her Majesty's Superior Courts of Criminal Jurisdiction, to restore it to the person who may claim the same.

Disposal of such substances.

68. Any gunpowder, explosive substance or dangerous or noxious thing, or any machine, engine, instrument or thing intended to be used in committing or enabling any other person to commit any offence against this Act, and seized and taken possession of under the provisions hereof, shall, in the event of the person in whose possession the same is found, or of the owner thereof being convicted for an offence under this Act, be forfeited; and the same shall be sold under the direction of the Court before which any such person may be convicted, and the proceeds thereof shall be paid into the hands of the Receiver General, to and for the use of the Dominion.

Kidnapping.

Kidnapping.

69. Whosoever, without lawful authority, forcibly seizes and confines or imprisons any other person within Canada, or kidnaps any other person with intent—

1. To cause such other person to be secretly confined or imprisoned in Canada against his will; or—

2. To cause such other person to be unlawfully sent or transported out of Canada against his will; or—

3. To cause such other person to be sold or captured as a slave, or in any way held to service against his will,—

Punishment.

Is guilty of felony, and shall be liable to be imprisoned in the Penitentiary, for any term not exceeding seven years and not less than two years, or to be imprisoned in any other gaol or place of confinement for any term less than two years.

Non-resistance not to be defence.

70. Upon the trial of any offence under the next preceding section, the non-resistance of the person so kidnapped or unlawfully confined, thereto, shall not be a defence, unless it appears to the

the satisfaction of the Court and Jury that it was not caused by threats, duress, or force or exhibition of force.

71. Every offence against the next preceding section but one may be tried either in the district, county or place in which the same was committed, or in any district, county or place into or through which any person so kidnapped or confined, was carried or taken while under such confinement; but no person who has been once duly tried for any such offence, shall be liable to be again indicted or tried for the same offence. Where offences are triable.

Carrying Bowie-knives, Daggers, &c., about the person.

72. Whosoever carries about his person any Bowie-knife, Dagger or Dirk, or any weapons called or known as Iron Knuckles, Skull-crackers or Slung Shot, or other offensive weapons of a like character, or secretly carries about his person any instrument loaded at the end, or sells or exposes for sale publicly or privately, any such weapon, shall be liable, on conviction thereof, before any Justice of the Peace, to a fine of not less than ten nor more than forty dollars, and in default of payment thereof, to be imprisoned in any gaol or place of confinement for a term not exceeding thirty days. Carrying bowie-knives, or other weapons.

73. Whosoever is found in any of the Seaport Towns or Cities in Canada, carrying about his person any Sheath-knife, shall be liable on conviction thereof before any Justice of the Peace, to the like pains and penalties as in the next preceding section; Provided, however, that nothing herein contained shall apply to seamen or riggers when occupied or engaged in their lawful trade or calling. Carrying sheath-knives in seaport towns.

74. Whosoever is charged with having committed any offence against the provisions of the last two preceding sections of this Act, may be tried and dealt with in pursuance of the Act of the present Session *respecting the prompt and summary Administration of Criminal Justice in certain cases.* How offences may be tried.

75. It shall be the duty of the Court or Justice before whom any person is convicted under the three last preceding sections of this Act, to impound the weapon for carrying which such person is convicted, and to cause the same to be destroyed. Weapon to be destroyed.

76. All prosecutions under the four next preceding sections of this Act shall be commenced within one month from the commission of the offence charged. Time of prosecution limited.

Other Matters.

77. When any person is convicted of any indictable misdemeanor punishable under this Act, the Court may, if it think fit, in addition to or in lieu of any punishment by this Act authorized, fine the offender, and require him to enter into his own recognizances and to find sureties, both or either, for keeping the peace and Fine and sureties for keeping the peace; in what cases.

and being of good behaviour; and such fine may be proportioned to the means of the offender, and in case of any felony punishable under this Act, otherwise than with death, the Court may, if it think fit, require the offender to enter into his own recognizances and to find sureties, both or either, for keeping the peace, in addition to any punishment by this Act authorized; Provided that no person shall be imprisoned for not finding sureties under this section, for any period exceeding one year.

Proviso.

On a conviction for an assault the Court may order payment of the prosecutor's costs by the defendant.

78. When any person is convicted on any indictment of any assault whether with or without battery and wounding, or either of them, such person may, if the Court thinks fit, in addition to any sentence which the Court may deem proper for the offence, be adjudged to pay to the prosecutor his actual and necessary costs and expenses of the prosecution, and such moderate allowance for loss of time as the Court shall, by affidavit or other inquiry and examination, ascertain to be reasonable; and unless the sums so awarded are sooner paid, the offender shall be imprisoned in any gaol or place of confinement other than a Penitentiary, for any term the Court shall award, not exceeding three months, in addition to the term of imprisonment (if any) to which the offender may be sentenced for the offence.

Such costs may be levied by distress.

79. The Court may, by warrant in writing, order such sum as shall be so awarded to be levied by distress and sale of the goods and chattels of the offender, and paid to the prosecutor, and that the surplus, if any, arising from such sale shall be paid to the owner; and in case such sum shall be so levied, the imprisonment awarded until payment of such sum shall thereupon cease.

Summary proceedings.

80. Every offence hereby made punishable on summary conviction may be prosecuted in the manner directed by the Act of the present Session, intituled: *An Act respecting the duties of Justices of the Peace, out of sessions, in relation to summary convictions and orders*, or in such other manner as may be directed in any Act that may be passed for like purposes, and all provisions contained in such Acts shall be applicable to such prosecutions in the same manner as if they were incorporated in this Act.

Commencement of Act.

81. This Act shall commence and take effect on the first day of January, one thousand eight hundred and seventy.

CAP. XXI.

An Act respecting Larceny and other similar Offences.

[*Assented to 22nd June*, 1869.]

Preamble.

WHEREAS it is expedient to assimilate, amend and consolidate the Statute Law of the several Provinces of Quebec, Ontario, Nova Scotia and New Brunswick, relating to Larceny and

and other similar offenees, and to extend the same, as so consolidated, to all Canada: Therefore, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

1. In the interpretation of this Act:

The term "Document of title to goods," shall include any bill of lading, India warrant, dock warrant, warehouse-keeper's certificate, warrant or order for the delivery or transfer of any goods or valuable thing, bought and sold note, or any other document used in the ordinary course of business as proof of the possession or control of goods, authorizing or purporting to authorize, either by indorsement or by delivery, the possessor of such document to transfer or receive any goods thereby represented or therein mentioned or referred to: Interpretation of terms. "Document of title to goods."

The term "Document of title to lands," shall include any deed, map, paper or parchment, written or printed, or partly written and partly printed, being or containing evidence of the title, or any part of the title to any real estate, or to any interest in or out of any real estate, or any Notarial or Registrar's copy thereof, or any duplicate instrument, memorial, certificate, or document authorized or required by any law in force in any part of Canada, respecting registration of titles, and relating to such title; "Document of title to lands."

The term "Trustee" shall mean a trustee on some express trust created by some deed, will or instrument in writing, or a trustee of personal estate created by parol, and shall include the heir or personal representative of any such trustee, and any other person upon or to whom the duty of such trust may have devolved or come, and also an executor and administrator, and an official manager, assignee, liquidator or other like officer acting under any present or future Act relating to joint stock companies, bankruptcy or insolvency, and any person who is by the law of the Province of Quebec, an "*Administrateur;*" and the word "Trust" shall include whatever is by that law an "*Administration;*" "Trustee."

The term "Valuable security" shall include any order, exchequer acquittance or other security whatsoever entitling or evidencing the title of any person or body corporate to any share or interest in any public stock or fund, whether of Canada, or of any Province therein, or of the United Kingdom, or of Great Britain or Ireland, or of any British Colony or Possession, or of any foreign state, or in any fund of any body corporate, company or society, whether within Canada, or the United Kingdom or any British Colony or Possession, or in any foreign state or country, or to any deposit in any Savings Bank or other Bank, and shall also include any debenture, deed, bond, bill, note, warrant, order, or other security whatsoever for money or for payment of money, whether of Canada, or of any Province therein, or of the United Kingdom, "Valuable security."

Kingdom, or of any British Colony or Possession, or of any foreign state, and any document of title to lands or goods as hereinbefore defined, and any stamp or writing which secures or evidences title to or interest in any chattel personal, or any release, receipt, discharge, or other instrument evidencing payment of money, or the delivery of any chattel personal; and every such valuable security shall, where value is material, be deemed to be of value equal to that of such unsatisfied money, chattel personal, share, interest, or deposit, for the securing or payment of which, or delivery, or transfer, or sale of which, or for the entitling or evidencing title to which, such valuable security is applicable, or to that of such money or chattel personal, the payment or delivery of which is evidenced by such valuable security;

"Property." The term "Property" shall include every description of real and personal property, money, debts and legacies, and all deeds and instruments relating to or evidencing the title or right to any property, or giving a right to recover or receive any money or goods, and shall also include not only such property as may have been originally in the possession or under the control of any party, but also any property into or for which the same may have been converted or exchanged, and any thing acquired by such conversion or exchange, whether immediately or otherwise;

"Cattle." The term "Cattle" shall include any horse, mule, ass, swine or goat, as well as any neat cattle or animal of the bovine species, and whatever be the age or sex of the animal, and whether castrated or not, and by whatever technical or trivial name it may be known and shall apply to one animal as well as to many;

"Banker." The term "Banker" shall include any director of any incorporated bank or banking company;

"Writing." The term "writing" shall include any mode in which and any material on which words or figures at length or abridged are written, printed or otherwise expressed, or any map or plan is inscribed;

"Testamentary instrument." The term "testamentary instrument" shall include any will, codicil, or any other testamentary writing or appointment, as well during the life of the testator whose testamentary disposition it purports to be, as after his death, where the same relates to real or personal estate, or both;

"Municipality." The term "Municipality" shall include the Corporation of any City, Town, Village, Township, Parish or other territorial or local division of any Province of Canada, the inhabitants whereof are incorporated or have the right of holding property for any purpose;

Having in custody or possession under this Act. Whenever the having anything in the possession of any person, is in this Act expressed to be an offence, then if any person has any

any such thing in his personal custody or possession, or knowingly or wilfully has any such thing in any dwelling-house or other building, lodging, apartment, field, or other place open or enclosed, whether belonging to, or occupied by himself or not, and whether such matter or thing be so had for his own use or benefit, or for that of another, such person shall be deemed to have such matter or thing in his custody or possession within the meaning of this Act, and where there are two or more persons, any one or more of whom, with the knowledge and consent of the rest, has any such thing in his or their custody or possession, it shall be deemed and taken to be in the custody and possession of all of them ;

For the purposes of this Act, the night shall be deemed to commence at nine of the o'clock in the evening of each day, and to conclude at six of the clock in the morning of the next succeeding day, and the day shall include the remainder of the twenty-four hours. "Night."

2. Every larceny, whatever be the value of the property stolen, shall be deemed to be of the same nature, and shall be subject to the same incidents in all respects as grand larceny was before the distinction between grand and petit larceny was abolished. **All larcenies to be of the same nature.**

3. Whosoever being a bailee of any chattel, money or valuable security, fraudulently takes or converts the same to his own use or to the use of any person other than the owner thereof, although he do not break bulk or otherwise determine the bailment, is guilty of larceny, and may be convicted thereof upon an indictment for larceny; but this section shall not extend to any offence punishable on summary conviction. **Bailee fraudulently converting property, guilty of larceny.**

4. Whosoever is convicted of simple larceny or of any felony hereby made punishable like simple larceny, shall (except in the cases hereinafter otherwise provided for) be liable to be imprisoned in the Penitentiary for any term not exceeding three years, and not less than two years, or to be imprisoned in any other gaol or place of confinement for any term less two years, with or without hard labour, and with or without solitary confinement. **Punishment for simple larceny.**

5. It shall be lawful to insert several counts in the same indictment against the same person for any number of distinct acts of stealing, not exceeding three, which have been committed by him against the same person within the space of six months from the first to the last of such acts, and to proceed thereon for all or any of them. **Three larcenies may be charged in one indictment.**

6. If upon the trial of any indictment for larceny it appears that the property alleged in such indictment to have been stolen at one time was taken at different times, the prosecutor or counsel for the prosecution shall not by reason thereof be required to elect upon which taking he will proceed, unless it appears that there were **Where one taking is charged and several takings at different times are proved.**

were more than three takings, or that more than the space of six months elapsed between the first and the last of such takings; and in either of such last mentioned cases the prosecutor or counsel for the prosecution shall be required to elect to proceed for such number of takings not exceeding three, as appear to have taken place within the period of six months from the first to the last of such takings.

Larceny after a conviction for felony.

7. Whosoever commits the offence of simple larceny after a previous conviction for felony, whether such conviction has taken place upon an indictment or under the provisions of the *Act respecting the prompt and summary administration of Criminal Justice in certain cases*, or of any other Act for like purposes, shall be liable to be imprisoned in the Penitentiary for any term not exceeding ten years, and not less than two years, or to be imprisoned in any other gaol or place of confinement for any term less than two years, with or without hard labour, and with or without solitary confinement.

Larceny after conviction of an indictable misdemeanor under this Act.

8. Whosoever commits the offence of simple larceny or any offence hereby made punishable like simple larceny, after having been previously convicted of any indictable misdemeanor punishable under this Act, shall be liable to be imprisoned in the Penitentiary for any term not exceeding seven years and not less than two years, or to be imprisoned in any other gaol or place of confinement for any term less than two years, with or without hard labour, and with or without solitary confinement.

Larceny after two summary convictions.

9. Whosoever commits the offence of simple larceny, or any offence hereby made punishable like simple larceny, after having been twice summarily convicted of any of the offences punishable upon summary conviction under the provisions contained in this Act, or in any former Act or law relating to the same subjects, or in the *Act respecting the prompt and summary administration of Criminal Justice in certain cases*, or other Act for like purposes, or in the *Act respecting the trial and punishment of Juvenile Offenders*, or in the *Act respecting malicious injuries to property*, (whether each of the convictions has been in respect of an offence of the same description or not, and whether such convictions or either of them has been before or after the passing of this Act,) is guilty of felony, and shall be liable to be imprisoned in the Penitentiary for any term not exceeding seven years, and not less than two years, or to be imprisoned in any other gaol or place of confinement, for any term less than two years, with or without hard labour, and with or without solitary confinement.

As to larceny of cattle or other animals.

Stealing cattle.

10. Whosoever steals any cattle is guilty of felony, and shall be liable to be imprisoned in the Penitentiary for any term not exceeding fourteen years and not less than two years, or to be imprisoned in any other gaol or place of confinement for any term less

less than two years, with or without hard labour, and with or without solitary confinement.

11. Whosoever wilfully kills any animal, with intent to steal the carcase, skin, or any part of the animal so killed, is guilty of felony, and shall be liable to the same punishment as if he had been convicted of feloniously stealing the same, provided the offence of stealing the animal so killed would have amounted to felony.

Killing animals with intent to steal the carcase, &c.

12. Whosoever steals any dog, or any bird, beast, or other animal ordinarily kept in a state of confinement or for any domestic purpose, or for any lawful purpose of profit or advantage, not being the subject of larceny at common law, or wilfully kills any such dog, bird, beast or animal, with intent to steal the same or any part thereof, shall, on conviction thereof before a Justice of the Peace, either be committed to the common gaol or house of correction, there to be imprisoned only or to be imprisoned and kept at hard labour for any term not exceeding one month, or else shall forfeit and pay, over and above the value of the dog, bird, beast or other animal, such sum of money, not exceeding twenty dollars, as to the Justice may seem meet; and whosoever having been convicted of any such offence, either against this or any former Act or Law, afterwards commits any offence in this section before mentioned, and is convicted thereof in like manner, shall be committed to the common gaol or house of correction, there to be kept to hard labour for such term not exceeding three months, as the convicting Justice may think fit.

Stealing dogs, beasts or birds ordinarily kept in confinement and not subject of larceny at common law.

Second offence.

13. Whosoever unlawfully and wilfully kills, wounds, or takes any house-dove or pigeon under such circumstances as do not amount to larceny at common law, shall, on conviction before a Justice of the Peace, forfeit and pay, over and above the value of the bird any sum not exceeding ten dollars.

Killing or taking pigeons.

14. Whosoever steals any oysters or oyster brood from any oyster bed, laying or fishery, being the property of any other person, and sufficiently marked out or known as such, is guilty of felony, and being convicted thereof, shall be liable to be punished as in the case of simple larceny; and whosoever unlawfully and wilfully uses any dredge or net, instrument or engine whatsoever, within the limits of any oyster bed, laying or fishery, being the property of any other person, and sufficiently marked out or known as such for the purpose of taking oysters or oyster brood, although none shall be actually taken, or unlawfully and wilfully, with any net, instrument or engine, drags upon the ground of any such fishery, is guilty of a misdemeanor, and shall be liable to be imprisoned for any term not exceeding three months, with or without hard labour, and with or without solitary confinement; and it shall be sufficient in any indictment to describe either by name or otherwise the bed, laying or fishery in which any of the said offences has been committed, without stating the same to be in

Stealing or dredging for oysters in oyster fisheries.

Form of indictment.

 any

Proviso: as to floating fish.

any particular county, district or other local division; Provided, that nothing in this section contained shall prevent any person from catching or fishing for any floating fish within the limits of any oyster fishery with any net, instrument or engine adapted for taking floating fish only.

As to larceny of written instruments.

Bonds, bills, notes, &c.

15. Whosoever steals, or for any fraudulent purpose destroys, cancels, obliterates, or conceals the whole or any part of any valuable security, other than a document of title to lands, is guilty of felony, of the same nature and in the same degree, and punishable in the same manner as if he had stolen any chattel of like value with the share, interest or deposit to which the security so stolen relates, or with the money due on the security so stolen, or secured thereby and remaining unsatisfied, or with the value of the goods or other valuable thing represented, mentioned or referred to in or by the security.

Deeds, &c., relating to real property.

16. Whosoever steals, or for any fraudulent purpose destroys, cancels, obliterates or conceals the whole or any part of any document of title to lands, is guilty of felony, and shall be liable to be imprisoned in the Penitentiary for any term not exceeding three years and not less than two years, or to be imprisoned in any other gaol or place of confinement for any term less than two years, with or without hard labour, and with or without solitary confinement; and in any indictment for any such offence, relating to any document of title to lands, it shall be sufficient to allege such document to be or contain evidence of the title, or of part of the title, or of some matter affecting the title, of the person or of some one of the persons having an interest, whether vested or contingent, legal or equitable, in the real estate to which the same relates, and to mention such real estate or some part thereof.

Form of indictment.

Wills or codicils.

17. Whosoever, either during the life of the testator or after his death, steals, or, for any fraudulent purpose, destroys, cancels, obliterates or conceals the whole or any part of any will, codicil or other testamentary instrument, whether the same relates to real or personal estate, or to both, is guilty of felony, and shall be liable to be imprisoned in the Penitentiary for life, or for any term not less than two years, or to be imprisoned in any other gaol or place of confinement for any term less than two years, with or without hard labour, and with or without solitary confinement; and it shall not, in any indictment for such offence, be necessary to allege that such will, codicil, or other instrument, is the property of any person or of any value; Provided that nothing in this or the last preceding section mentioned, nor any proceeding, conviction or judgment to be had or taken thereupon, shall prevent, lessen or impeach any remedy at law or in equity, which any party aggrieved by any such offence might or would have had if this Act had not been passed; but no conviction of any such offender shall be received in evidence in any action at law

Other remedies not to be affected.

law or suit in equity against him; and no person shall be liable to be convicted of any of the felonies in this and the last preceding section mentioned by any evidence whatever, in respect of any act done by him, if he has at any time, previously to his being charged with such offence, first disclosed such act, on oath, in consequence of any compulsory process of any Court of law or equity, in any action, suit or proceeding, *bonâ fide* instituted by any party aggrieved, or if he has first disclosed the same in any compulsory examination or deposition before any Court upon the hearing of any matter in bankruptcy or insolvency.

Proviso: as to the effect of conviction in any civil action: and as to disclosures under compulsory process.

18. Whosoever steals, or, for any fraudulent purpose, takes from its place of deposit, for the time being, or from any person having the custody thereof, or unlawfully and maliciously cancels, obliterates, injures, or destroys the whole or any part of any record, writ, return, panel, process, interrogatory, deposition, affidavit, rule, order, or warrant of attorney, or of any original document whatsoever, of or belonging to any Court of Record, or other Court of Justice, or relating to any matter, civil or criminal, begun, depending, or terminated in any such Court, or of any bill, petition, answer, interrogatory, deposition, affidavit, order, or decree, or of any original document whatsoever of or belonging to any Court of Equity, or relating to any cause or matter begun, depending or terminated in any such Court, or of any original document in anywise relating to the business of any office or employment under Her Majesty, and being or remaining in any office appertaining to any Court of Justice, or in any government or public office, is guilty of felony, and shall be liable to be imprisoned in the Penitentiary for any term not exceeding three years, and not less than two years, or to be imprisoned in any other gaol or place of confinement for any term less than two years, with or without hard labour, and with or without solitary confinement; and it shall not in any indictment for such offence be necessary to allege that the article in respect of which the offence is committed is the property of any person.

Stealing records or other legal documents.

Form of indictment.

19. Whosoever steals any railway or steamboat ticket, or any order or receipt for a passage on any railway or in any steamer or other vessel, is guilty of felony, and shall be liable to be imprisoned in any gaol or place of confinement, other than a Penitentiary, with or without hard labour, for any term, less than two years.

Stealing railway tickets, &c.

As to larcency of things attached to or growing on land.

20. Whosoever steals, or rips, cuts, severs or breaks with intent to steal, any glass or woodwork belonging to any building whatsoever, or any lead, iron, copper, brass or other metal, or any utensil or fixture, whether made of metal or other material, or of both, respectively fixed in or to any building whatsoever, or any thing made of metal fixed in any land being private property or for a fence to any dwelling-house, garden or area, or in any square or street,

Metal, glass, wood, &c., fixed to house or land.

street, or in any place dedicated to public use or ornament, or in any burial ground, is guilty of felony, and shall be liable to be punished as in the case of simple larceny; and in case of any such thing fixed in any such square, street or place as aforesaid, it shall not be necessary to allege the same to be the property of any person.

Trees in pleasure grounds of the value of $5, or elsewhere of the value of $25.

21. Whosoever steals, or cuts, breaks, roots up, or otherwise destroys or damages with intent to steal, the whole or any part of any tree, sapling or shrub or any underwood respectively growing in any park, pleasure ground, garden, orchard or avenue, or in any ground adjoining or belonging to any dwelling-house (in case the value of the article or articles stolen, or the amount of the injury done, exceeds the sum of five dollars), is guilty of felony, and shall be liable to be punished as in the case of simple larceny; and whosoever steals, or cuts, breaks, roots up, or otherwise destroys or damages with intent to steal, the whole or any part of any tree, sapling or shrub, or any underwood, respectively growing elsewhere than in any of the situations in this section before mentioned (in case the value of the article or articles stolen, or the amount of the injury done, exceeds the sum of twenty-five dollars), is guilty of felony, and shall be liable to be punished as in the case of simple larceny.

Stealing trees worth 25c. punishable on summary conviction for first and second offences.

22. Whosoever steals, or cuts, breaks, roots up or otherwise destroys or damages with intent to steal, the whole or any part of any tree, sapling or shrub, or any underwood, wheresoever the same may be respectively growing, the stealing of such article or articles or the injury done, being to the amount of twenty-five cents at the least, shall, on conviction thereof before a Justice of the Peace, forfeit and pay, over and above the value of the article or articles stolen, or the amount of the injury done, such sum of money, not exceeding twenty-five dollars as to the Justice may seem meet; And whosoever having been convicted of any such offence, either against this or any former Act or law, afterwards commits any of the said offences in this section before mentioned, and is convicted thereof in like manner, shall for such second offence be committed to the common gaol, or house of correction, there to be kept to hard labour for such term, not exceeding three months, as the convicting Justice may think fit; and whosoever, having been twice convicted of any such offence (whether both or either of such convictions shall have taken place before or after the passing of this Act) afterwards commits any of the offences in this section before mentioned, is guilty of felony, and shall be liable to be punished in the same manner as in the case of simple larceny.

Second offence.

Third offence.

Purchasing or receiving stolen trees.

23. If any person receives or purchases any tree or sapling, trees or saplings, or any timber made therefrom, exceeding in value the sum of ten dollars, knowing the same to have been stolen, or unlawfully cut or carried away, such receiver or purchaser shall be guilty of a misdemeanor, and may be indicted and convicted thereof,

thereof, whether the principal offender has or has not been convicted, or be or be not amenable to justice, and shall be liable to the same punishment as the principal offender; Provided that nothing in this or in either of the two next preceding sections contained, nor any proceeding, conviction or judgment to be had or taken thereupon, shall prevent, lessen or impeach any remedy at Law or in Equity which any party aggrieved by any of the said offences would have had, if this Act had not been passed; nevertheless the conviction of the offender shall not be received in evidence in any action at law or suit in equity against him; and no person shall be convicted of either of the offences aforesaid, by any evidence disclosed by him on oath, in consequence of the compulsory process of a Court of Law or Equity in any action, suit, or proceeding, instituted by any party aggrieved.

Proviso: other remedies saved.

Parties confessing the offence in action, &c.

24. Whosoever steals, or cuts, breaks, or throws down with intent to steal, any part of any live or dead fence, or any wooden post, pale, wire or rail set up or used as a fence, or any stile or gate, or any part thereof respectively, shall, on conviction thereof before a Justice of the Peace, forfeit and pay, over and above the value of the article or articles so stolen, or the amount of the injury done, such sum of money not exceeding twenty dollars, as to the Justice may seem meet; And whosoever having been convicted of any such offence, either against this or any former Act or law, afterwards commits any of the said offences in this section beforementioned, and is convicted thereof in like manner, shall be committed to the common gaol or house of correction, there to be kept to hard labour for such term not exceeding three months as the convicting Justice may think fit.

Stealing, &c., any live or dead fences, wooden fence, stile or gate.

Second offence.

25. If the whole or any part of any tree, sapling or shrub, or any underwood, or any part of any live or dead fence, or any post, pale, wire, rail, stile or gate, or any part thereof, being of the value of twenty-five cents at the least, is found in the possession of any person, or on the premises of any person with his knowledge, and such person, being taken or summoned before a Justice of the Peace, does not satisfy the Justice that he came lawfully by the same, he shall, on conviction by the Justice, forfeit and pay, over and above the value of the article or articles so found, any sum not exceeding ten dollars.

Suspected persons in possession of any wood, &c., not satisfactorily accounting for it.

26. Whosoever steals, or destroys or damages with intent to steal, any plant, root, fruit, or vegetable production growing in any garden, orchard, pleasure ground, nursery ground, hot-house, green-house or conservatory, shall, on conviction thereof before a Justice of the Peace, at the discretion of the Justice, either be committed to the common gaol or house of correction, there to be imprisoned only, or to be imprisoned and kept to hard labour, for any term not exceeding one month, or else shall forfeit and pay over and above the value of the article or articles so stolen, or the amount of the injury done, such sum of money not exceeding twenty dollars, as to the Justice may seem meet; And whosoever having

Stealing, &c., any fruit, &c., punishable on summary conviction for first offence.

Second offence.

having been convicted of any such offence, either against this or any former Act or law, afterwards commits any of the offences in this section before mentioned, is guilty of felony, and shall be liable to be punished in the same manner as in the case of simple larceny.

Stealing, &c., vegetable productions not growing in gardens, &c.

27. Whosoever steals, or destroys or damages with intent to steal, any cultivated root or plant used for the food of man or beast, or for medicine, or for distilling, or for dyeing, or for or in the course of any manufacture, and growing in any land, open or enclosed, not being a garden, orchard, pleasure ground, or nursery ground, shall, on conviction thereof before a Justice of the Peace, either be committed to the common gaol or house of correction, there to be imprisoned only, or to be imprisoned and kept to hard labour, for any term not exceeding one month, or else shall forfeit and pay, over and above the value of the article or articles so stolen, or the amount of the injury done, such sum of money not exceeding five dollars, as to the Justice seems meet, and in default of payment thereof, together with the costs, (if ordered) shall be committed as aforesaid for any term not exceeding one month, unless payment be sooner made; and whosoever having been convicted of any such offence, either against this or any former Act or law, afterwards commits any of the said offences in this section before mentioned, and is convicted thereof in like manner, shall be committed to the common gaol or house of correction, there to be kept to hard labour, for such term not exceeding three months as the convicting Justice thinks fit.

Second offence.

As to larceny from mines or of ores or minerals.

Ores of metal, coal, &c.

28. Whosoever steals, or severs with intent to steal, the ore of any metal, or any quartz, lapis calaminaris, manganese, or mundic, or any piece of gold, silver or other metal, or any wad, black cawlk, or black lead, or any coal, or cannel coal, or any marble, stone or other mineral, from any mine, bed or vein thereof respectively, is guilty of felony, and shall be liable to be imprisoned in any gaol or place of confinement other than a Penitentiary, for any term less than two years, with or without hard labour, and with or without solitary confinement; Provided that no person shall be held guilty of any offence for having, for the purposes of exploration or scientific investigation, taken any specimen, or specimens, of any ore or mineral from any piece of ground unenclosed and not occupied or worked as a mine, quarry, or digging.

Proviso.

Miners removing ore, &c., with intent to defraud.

29. Whosoever being employed in or about any mine, quarry or digging, takes, removes, or conceals any ore of any metal, or any quartz, lapis calaminaris, manganese, mundic, or any piece of gold, silver or other metal, or any mineral found or being in such mine, quarry or digging, with intent to defraud any proprietor of, or any adventurer in the same, or any workman or miner employed therein, is guilty of felony, and shall be liable to be imprisoned

imprisoned in any gaol or place of confinement other than a Penitentiary, for any term less than two years, with or without hard labour, and with or without solitary confinement.

30. Whosoever being the holder of any lease or licence issued under the provisions of any Act relating to gold or silver mining, or by any private parties owning land supposed to contain any gold or silver, by any fraudulent device or contrivance, defrauds or attempts to defraud Her Majesty or any private party of any gold, silver or money payable or reserved by such lease, or with such intent as aforesaid, conceals or makes a false statement as to the amount of gold or silver procured by him, is guilty of a misdemeanor, and shall be liable to be imprisoned in any gaol or place of confinement other than a Penitentiary, for any term less than two years, with or without hard labour and with or without solitary confinement. Penalty for concealing royalty, with intent to defraud.

31. Whosoever (not being the owner or agent of mining claims then being worked, and not being thereunto authorized, in writing, by the Commissioner or Deputy Commissioner of Mines, in any District, or by the officer for the division in any gold mining division, or by any Inspector or other proper officer in that behalf, named in any Act relating to Mines in force in any Province of Canada) sells or purchases (except to or from such owner or authorized person) any quartz containing gold, or any smelted gold or silver, at or within three miles of any gold district or mining district, or gold mining division, is guilty of a misdemeanor, and shall be liable to be imprisoned in any gaol or place of confinement, other than the Penitentiary, for any term less than two years, with or without hard labour, and with or without solitary confinement. Selling or purchasing without permission quartz, &c, containing gold or silver.

32. Whosoever purchases any gold in quartz, or any unsmelted or smelted gold or silver, or otherwise unmanufactured gold or silver of the value of one Dollar or upwards (except from such owner or authorized person as in the last preceding section mentioned) and does not at the same time execute in triplicate an instrument, in writing, stating the place and time of purchase, and the quantity, quality, and value of gold or silver so purchased, and the name or names of the person or persons from whom the same was purchased, and file the same in the office of the nearest Commissioner or Deputy Commissioner of Mines of the District, or officer for the division in the gold mining division, or of some Inspector or other proper officer in that behalf named in any Act in force in the Province in which such purchase is made, within twenty days next after the date of such purchase, is guilty of a misdemeanor and shall be liable to any penalty not exceeding in amount double the value of the gold or silver purchased, and to be imprisoned in any gaol or place of confinement, other than the Penitentiary, for any term less than two years with or without hard labour, and with or without solitary confinement. Purchasing gold in quartz, or smelted, &c., without giving a proper receipt for it.

33.

Search warrant for such quartz, gold or silver: and order thereon.

33. On complaint in writing made to any Justice of the Peace of the County, District, or place, by any person interested in any Mining claim, that mined gold or gold bearing quartz, or mined or unmanufactured silver or silver ore, is unlwfully deposited in any place, or held by any person contrary to Law, a general search warrant may be issued by such Justice, as in the case of stolen goods, including any number of places or persons named in such complaint, and if, upon such search, any such gold or gold bearing quartz, or silver or silver ore be found to be unlawfully deposited or held, the Justice shall make such order for the restoration thereof, to the lawful owner as he considers right.

Appeal allowed on certain conditions.

34. The decision of such Justice shall be subject to Appeal as in ordinary cases, on summary conviction, but before such Appeal shall be allowed, the Appellant shall enter into a recognizance in the manner by law provided in cases of appeal from summary convictions, to the value of the gold or other property in question, that he will prosecute his appeal at the next sittings of any Court having jurisdiction in that behalf, and will pay the costs of the Appeal in case of a decision against him, and in case of the defendant appealing that he will pay such fine as the Court may impose, with costs.

Possession of ore, gold, silver, &c., to be *primâ facie* evidence in certain cases.

35. When any smelted gold or silver, or any gold bearing quartz, or any unsmelted or otherwise unmanufactured gold or silver, is found in the possession of any operative, workman or labourer, actively engaged in or on any mine, contrary to the provisions of any Law in that behalf, such possession shall be *primâ facie* evidence that the same has been stolen by him.

Form of indictment under next five preceding sections.

36. In any indictment brought under any of the five next preceding sections, it shall be sufficient to lay the property in the Queen, or in any person or persons, or corporation, in different counts in such indictment; and any variance in the latter case, between the statement in the indictment and the evidence adduced, may be amended at the trial, and if no owner be proved the indictment may be amended by laying the property in the Queen.

Punishment of fraud on partners.

37. Whosoever with intent to defraud his co-partner, co-adventurer joint tenant or tenant in common, in any claim, or in any share or interest in any claim, secretly keeps back or conceals any gold or silver found in or upon or taken from such claim, is guilty of felony, and shall be liable to be punished in the same manner as in the case of simple larceny.

Larceny, &c., by partners.

Partners stealing property of partnership.

38. Whosoever, being a member of any co-partnership owning any money or other property, or being one of two or more beneficial owners of any money or other property, steals, embezzles, or unlawfully converts the same or any part thereof to his own

use,

use, or that of any person other than the owner, shall be liable to be dealt with, tried, convicted and punished as if he had not been or were not a member of such co-partnership, or one of such beneficial owners.

As to larceny from the person, and other like offences.

39. Whosoever robs any person, or steals any chattel, money or valuable security from the person of another, is guilty of felony, and shall be liable to be imprisoned in the Penitentiary for any term not exceeding fourteen years and not less than two years, or to be imprisoned in any other gaol or place of confinement for any term less than two years, with or without hard labour, and with or without solitary confinement. **Robbery, or stealing from the person.**

40. If upon the trial of any person upon an indictment for robbery it appears to the jury upon the evidence that the defendant did not commit the crime of robbery, but that he did commit an assault with intent to rob, the defendant shall not by reason thereof be entitled to be acquitted, but the jury shall be at liberty to return as their verdict that the defendant is guilty of an assault with intent to rob; and thereupon such defendant shall be liable to be punished in the same manner as if he had been convicted upon an indictment for feloniously assaulting with intent to rob; and no person so tried as is herein lastly mentioned shall be liable to be afterwards prosecuted for an assault with intent to commit the robbery for which he was so tried. **On trial for robbery, jury may convict of an assault with intent to rob.**

41. Whosoever assaults any person with intent to rob is guilty of felony, and shall (save and except in cases where a greater punishment is provided by this Act) be liable to be imprisoned in the Penitentiary for any term not exceeding three years and not less than two years, or to be imprisoned in any other gaol or place of confinement for any term less than two years, with or without hard labour, and with or without solitary confinement. **Assault with intent to rob.**

42. Whosoever being armed with any offensive weapon or instrument, robs or assaults with intent to rob any person, or together with one or more other person or persons, robs or assaults with intent to rob any person, or robs any person and at the time of or immediately before or immediately after such robbery wounds, beats, strikes, or uses any other personal violence to any person is guilty of felony, and shall be liable to be imprisoned in the Penitentiary for life, or for any term not less than two years, or to be imprisoned in any other gaol or place of confinement for any term less than two years, with or without hard labour, and with or without solitary confinement. **Robbery or assault by a person armed, or by two or more, or robbery and wounding.**

43. Whosoever sends, delivers, or utters, or directly or indirectly causes to be received, knowing the contents thereof, any letter or writing, demanding of any person with menaces, and without any reasonable or probable cause, any property, chattel, money, valuable **Letters demanding money, &c., with menaces.**

valuable security, or other valuable thing, is guilty of felony, and shall be liable to be imprisoned in the Penitentiary for life or for any term not less than two years, or to be imprisoned in any other gaol or place of confinement for any term less than two years, with or without hard labour, and with or without solitary confinement.

Demanding money, &c., with menaces or by force, with intent to steal.

44. Whosoever with menaces or by force demands any property, chattel, money, valuable security or other valuable thing of any person with intent to steal the same, is guilty of felony, and shall be liable to be imprisoned in the Penitentiary for the term of two years, or to be imprisoned in any other gaol or place of confinement for any term less than two years, with or without hard labour, and with or without solitary confinement.

Letter threatening to accuse of crime with intent to extort.

45. Whosoever sends, delivers or utters, or directly or indirectly causes to be received, knowing the contents thereof, any letter or writing, accusing or threatening to accuse or cause to be accused any other person of any crime punishable by law with death or imprisonment in the Penitentiary for not less than seven years, or of any assault with intent to commit any rape, or of any attempt or endeavour to commit any rape, or of any infamous crime as hereinafter defined with a view or intent in any of such cases to extort or gain by means of such letter or writing, any property, chattel, money, valuable security or other valuable thing from any person, is guilty of felony, and shall be liable to be imprisoned in the Penitentiary for life, or for any term not less than two years, or to be imprisoned in any other gaol or place of confinement for any term less than two years, with or without hard labour, and with or without solitary confinement; and the abominable crime of buggery, committed either with mankind or with beast, and every assault with intent to commit the said abominable crime, and every attempt or endeavor to commit the said abominable crime, and every solicitation, persuasion, promise, or threat offered or made to any person whereby to move or induce such person to commit or permit the said abominable crime, shall be deemed to be an infamous crime within the meaning of this Act, and every species of parting with any such letter to the end that it may come, or whereby it comes into the hands of the person for whom it is intended, shall be deemed a sending of such letter.

"Infamous crime" defined.

Accusing or threatening to accuse, with intent to extort.

46. Whosoever accuses or threatens to accuse either the person to whom such accusation or threat is made or any other person of any of the infamous or other crimes lastly hereinbefore mentioned, with the view or intent in any of the cases last aforesaid to extort or gain from such person so accused or threatened to be accused, or from any other person, any property, chattel, money, valuable security, or other valuable thing, is guilty of felony, and shall be liable to be imprisoned in the Penitentiary for life, or for any term not less than two years, or to be imprisoned in any other

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gaol or place of confinement for any term less than two years, with or without hard labour.

47. Whosoever, with intent to defraud or injure any other person, by any unlawful violence to or restraint of, or threat of violence to or restraint of the person of another, or by accusing or threatening to accuse any person of any treason, felony or infamous crime as hereinbefore defined, compels or induces any person to execute, make, accept, indorse, alter or destroy the whole or any part of any valuable security, or to write, impress or affix his name, or the name of any other person or of any company, firm or copartnership, or the seal of any body corporate, company or society, upon or to any paper or parchment, in order that the same may be afterwards made or converted into or used or dealt with as a valuable security, is guilty of felony, and shall be liable to be imprisoned in the Penetentiary for life, or for any term not less than two years, or to be imprisoned in any other gaol or place of confinement for any term less than two years, with or without hard labour, and with or without solitary confinement. Inducing a person by threats or violence to execute deeds, &c., with intent to defraud.

48. It shall be immaterial whether the menaces or threats hereinbefore mentioned be of violence, injury or accusation to be caused or made by the offender or by any other person. Immaterial by whom menaces are to be executed.

As to sacrilege, burglary and house-breaking.

49. Whosoever breaks and enters any church, chapel, meeting-house or other place of Divine worship and commits any felony therein, or being in any church, chapel, meeting-house or other place of Divine worship, commits any felony therein and breaks out of the same, is guilty of felony, and shall be liable to be imprisoned in the Penitentiary for life or for any term not less than two years, or to be imprisoned in any other gaol or place of confinement for any term less than two years, with or without hard labour, and with or without solitary confinement. Breaking and entering a church, &c., and committing a felony.

50. Whosoever enters the dwelling-house of another with intent to commit any felony therein, or being in such dwelling-house, commits any felony therein, and in either case, breaks out of the said dwelling house in the night, is guilty of burglary. Burglary by breaking out.

51. Whosoever is convicted of the crime of burglary, shall be liable to be imprisoned in the Penitentiary for life, or for any term not less than two years, or to be imprisoned in any other gaol or place of confinement for any term less than two years, with or without hard labour, and with or without solitary confinement. Punishment for burglary.

52. No building, although within the same curtilage with any dwelling-house, and occupied therewith, shall be deemed to be part of such dwelling-house for any of the purposes of this Act, unless there shall be a communication between such building and dwelling-house, either immediate or by means of a covered and enclosed passage leading from the one to the other. What building within curtilage to be deemed part of dwelling house.

Entering a dwelling house in the night, with intent to commit any felony.

53. Whosoever enters any dwelling-house in the night with intent to commit any felony therein, is guilty of felony, and shall be liable to be imprisoned in the Penitentiary for any term not exceeding seven years and not less than two years, or to be imprisoned in any other gaol or place of confinement for any term less than two years, with or without hard labour, and with or without solitary confinement.

Breaking into any building within the curtilage, but which is no part of the dwelling house and committing any felony.

54. Whosoever breaks and enters any building and commits any felony therein, such building being within the curtilage of a dwelling-house and occupied therewith, but not being part thereof according to the provision hereinbefore mentioned, or being in any such building commits any felony therein and breaks out of the same, is guilty of felony, and shall be liable to be imprisoned in the Penitentiary for any term not exceeding fourteen years and not less than two years, or to be imprisoned in any other gaol or place of confinement for any term less than two years, with or without hard labour, and with or without solitary confinement.

Breaking into any house, shop, &c., and committing any felony.

55. Whosoever breaks and enters any dwelling-house, school-house, shop, warehouse or counting-house, and commits any felony therein, or being in any dwelling-house, school-house, shop, warehouse or counting-house, commits any felony therein and breaks out of the same, is guilty of felony, and shall be liable to be imprisoned in the Penitentiary for any term not exceeding fourteen years and not less than two years, or to be imprisoned in any other gaol or place of confinement for any term less than two years, with or without hard labour, and with or without solitary confinement.

House breaking with intent to commit a felony.

56. Whosoever breaks and enters any dwelling-house, church, chapel, meeting-house, or other place of Divine worship, or any building within the curtilage, school-house, shop, warehouse, or counting-house, with intent to commit any felony therein, is guilty of felony, and shall be liable to be imprisoned in the Penitentiary for any term not exceeding seven years nor less than two years, or to be imprisoned in any other goal or place of confinement for any term less than two years, with or without hard labour, and with or without solitary confinement.

Punishment where the burglary charged is not clearly proven, but the breaking, &c., is proven.

57. Whosoever is indicted for any burglary, where the breaking and entering are proved at the trial to have been made in the day-time and no breaking-out appears to have been made in the night-time, or where it is left doubtful whether such breaking and entering or breaking-out took place in the day or night time, shall be acquitted of the burglary, but may be convicted of the offence specified in the next preceding section.

When proof of a burglary committed shall not be a

58. It shall not be available, by way of defence to a person charged with the offence specified in the next preceding section but one, to show that the breaking and entering were such as to amount

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in law to burglary; Provided that the offender shall not be afterwards prosecuted for burglary upon the same facts, but it shall be open to the Court before whom the trial for such offence takes place, upon the application of the person conducting the prosecution to allow an acquittal on the ground that the offence, as proved, amounts to burglary; and if an acquittal takes place on such ground, and is so returned by the jury in delivering their verdict, the same shall be recorded together with the verdict, and such acquittal shall not then avail as a bar or defence upon an indictment for such burglary. defence to a charge of breaking, &c., with intent only; and when offender may be again indicted for burglary.

59. Whosoever is found by night armed with any dangerous or offensive weapon or instrument whatsoever, with intent to break or enter into any dwelling-house or other building whatsoever, and to commit any felony therein, or is found by night having in his possession without lawful excuse (the proof of which excuse shall lie on such person), any picklock key, crow, jack, bit, or other implement of house-breaking, or any match, or combustible or explosive substance, or is found by night having his face blackened or otherwise disguised with intent to commit any felony, or is found by night in any dwelling-house or other building whatsoever, with intent to commit any felony therein, is guilty of a misdemeanor, and shall be liable to be imprisoned in the Penitentiary for any term not exceeding three years and not less than two years, or to be imprisoned in any other gaol or place of confinement for any term less than two years, with or without hard labour. Being armed or disguised, &c., with intent to break and enter any house in the night.

60. Whosoever is convicted of any such misdemeanor as in the last preceding section mentioned committed after a previous conviction, either for felony or such misdemeanor, shall, on such subsequent conviction, be liable to be imprisoned in the Penitentiary for any term not exceeding ten years and not less than two years, or to be imprisoned in any other gaol or place of confinement for any term less than two years, with or without hard labour. The like after a previous conviction.

As to larceny in the house.

61. Whosoever steals in any dwelling-house any chattel, money or valuable security to the value in the whole of twenty-five dollars or more, is guilty of felony, and shall be liable to be imprisoned in the Penitentiary for any term not exceeding fourteen years and not less than two years, or to be imprisoned in any other gaol or place of confinement for any term less than two years, with or without hard labour, and with or without solitary confinement. Stealing in a dwelling house to the value of $25.

62. Whosoever steals any chattel, money, or valuable security in any dwelling-house, and by any menace or threat, put any one therein in bodily fear, is guilty of felony, and shall be liable to be imprisoned in the Penitentiary for any term not exceeding fourteen years and not less than two years, or to be imprisoned in any other gaol or place of confinement for any term less than two years, with Stealing in a dwelling house with menaces.

with or without hard labour, and with or without solitary confinement.

As to larceny in manufactories.

Stealing goods in process of manufacture.

63. Whosoever steals to the value of two dollars any woollen, linen, hempen or cotton yarn, or any goods or articles of silk, woollen, linen, cotton, alpaca or mohair, or of any one or more of those materials mixed with each other or mixed with any other material, whilst laid, placed or exposed, during any stage, process or progress of manufacture, in any building, field or other place, is guilty of felony, and shall be liable to be imprisoned in the Penitentiary for any term not exceeding fourteen years and not less than two years, or to be imprisoned in any other gaol or place of confinement for any term less than two years, with or without hard labour, and with or without solitary confinement.

Stealing goods intrusted for manufacture.

64. Whosoever having been intrusted, for the purpose of manufacture or for a special purpose connected with manufacture, or employed to make any felt or hat or to prepare or work up any woollen, linen, fustian, cotton, iron, leather, fur, hemp, flax, cotton, silk or any such materials, mixed with one another, or having been so intrusted as aforesaid, with any other article, materials, fabric or thing, or with any tools or apparatus for manufacturing the same, sells, pawns, purloins, secrets, embezzles, exchanges, or otherwise fraudulently disposes of the same, or any part thereof, where the case does not fall within the last preceding section hereof, is guilty of a misdemeanor, and shall be liable to be imprisoned in any gaol or place of confinement other than a Penitentiary, for any term less than two years, with or without hard labour, and with or without solitary confinement.

As to larceny in ships, wharfs, &c.

Stealing from ships, wharfs, &c.

65. Whosoever steals any goods or merchandise in any vessel, barge or boat of any description whatsoever, in any haven or in any port of entry or discharge, or upon any navigable river or canal, or in any creek or basin belonging to or communicating with any such haven, port, river or canal, or steals any goods or merchandise from any dock, wharf or quay, adjacent to any such haven, port, river, canal, creek or basin, is guilty of felony, and shall be liable to be imprisoned in the Penitentiary for any term not exceeding fourteen years and not less than two years, or to be imprisoned in any other gaol or place of confinement for any term less than two years, with or without hard labour, and with or without solitary confinement.

Stealing from ship in distress or wrecked.

66. Whosoever plunders or steals any part of any ship or vessel in distress or wrecked, stranded or cast on shore, or any goods, merchandise or articles of any kind belonging to such ship or vessel, is guilty of felony, and shall be liable to be imprisoned in the Penitentiary for any term not exceeding fourteen years and not less

less than two years, or to be imprisoned in any other gaol or place of confinement for any term less than two years, with or without hard labour, and with or without solitary confinement; and the offender may be indicted and tried either in the district, county or place in which the offence has been committed, or in any district, county or place next adjoining, or in which he has been apprehended or is in custody.

67. If any goods, merchandise or articles of any kind belonging to any ship or vessel in distress or wrecked, stranded or cast on shore, are found in the possession of any person, or on the premises of any person, with his knowledge, and such person being taken or summoned before a Justice of the peace, does not satisfy the Justice that he came lawfully by the same, then the same shall, by order of the Justice be forthwith delivered over to or for the use of the rightful owner thereof, and the offender shall, on conviction of such offence before the Justice, at the discretion of the Justice, either be committed to the common gaol or house of correction, there to be imprisoned only or to be imprisoned and kept to hard labour for any term not exceeding three months, or else shall forfeit and pay over and above the value of the goods, merchandise or articles, such sum of money not exceeding twenty dollars, as to the Justice may seem meet.

Persons in possession of ship-wrecked goods not giving a satisfactory account.

68. If any person offers or exposes for sale any goods, merchandise or articles whatsoever, unlawfully taken or reasonably suspected so to have been taken from any ship or vessel in distress or wrecked, stranded or cast on shore, in every such case any person to whom the same are offered for sale, or any officer of customs, or excise or peace officer may lawfully seize the same, and shall, with all convenient speed, carry the same or give notice of such seizure to some Justice of the Peace, and if the person who has offered or exposed the same for sale, being summoned by such Justice, does not appear and satisfy the Justice that he came lawfully by such goods, merchandise or articles, then the same shall, by order of the Justice, be forthwith delivered over to or for the use of the rightful owner thereof, upon payment of a reasonable reward (to be ascertained by the Justice) to the person who seized the same; and the offender shall, on conviction of such offence by the Justice, at the discretion of the Justice, either be committed to the common gaol or house of correction, there to be imprisoned only, or to be imprisoned and kept to hard labour, for any term not exceeding three months, or else shall forfeit and pay over and above the value of the goods, merchandise or articles, such sum of money not exceeding twenty dollars as to the Justice seems meet.

If any person offers ship-wrecked goods for sale, the goods may be seized, &c.

As to larceny or embezzlement by clerks, servants, or persons in the Public Service.

69. Whosoever being a clerk or servant, or being employed for the purpose or in the capacity of a clerk or servant, steals any chattel, money or valuable security belonging to or in the possession or power of his master or employer, is guilty of felony, and shall

Larceny by clerks or servants.

shall be liable to be imprisoned in the Penitentiary for any term not exceeding fourteen years and not less than two years, or to be imprisoned in any other gaol or place of confinement for any term less than two years, with or without hard labour, and with or without solitary confinement.

Embezzlement by clerks or servants.

70. Whosoever being a clerk or servant, or being employed for the purpose or in the capacity of a clerk or servant, fraudulently embezzles any chattel, money, or valuable security, delivered to or received, or taken into possession by him, for or in the name or on the account of his master or employer, or any part thereof, shall be deemed to have feloniously stolen the same from his master or employer, although such chattel, money, or security was not received into the possession of such master or employer, otherwise than by the actual possession of his clerk, servant, or other person so employed, and shall be liable to be imprisoned in the Penitentiary for any term not exceeding fourteen years and not less than two years, or to be imprisoned in any other gaol or place of confinement for any term less than two years, with or without hard labour, and with or without solitary confinement.

Larceny by persons in the Queen's service, or that of any Provincial Government, &c.

71. Whosoever being employed in the pubilc service of Her Majesty, or of the Lieutenant Governor or Government of any Province of Canada, or of any Municipality, steals any chattel, money or valuable security belonging to or in the possesion or power of Her Majesty or of such Lieutenant Governor, Government or Municipality, or intrusted to or received or taken into possession by him by virtue of his employment, is guilty of felony, and shall be liable to be imprisoned in the Penitentiary for any term not exceeding fourteen years and not less than two years, or to be imprisoned in any other gaol or place of confinement for any term less than two years, with or without hard labour, and with or without solitary confinement.

Embezzlement by persons employed in the Queen's service, or that of any Provincial Government, &c.

72. Whosoever being employed in the public service of Her Majesty, or of the Lieutenant Governor or Government of any Province of Canada, or of any Municipality, and intrusted by virtue of such employment with the receipt, custody, management or control of any chattel, money or valuable security, embezzles any chattel, money or valuable security entrusted to or received or taken into possession by him by virtue of his employment, or any part thereof, or in any matter fraudulently applies or disposes of the same, or any part thereof to his own use or benefit, or for any purpose whatsoever, except for the public service, or the service of such Lieutenant Governor, Government or Municipality, shall be deemed to have feloniously stolen the same from Her Majesty, or from such Municipality, and shall be liable to be imprisoned in the Penitentiary for any term not exceeding fourteen years and not less than two years, or to be imprisoned in any other gaol or place of confinement for any term less than two years, with or without hard labour; and every offender against this and the last preceding section may be dealt with, indicted,

indicted, tried and punished either in the district, county or place in which he is apprehended or is in custody, or in which he has committed the offence; and in every case of larceny, embezzlement or fraudulent application or disposition of any chattel, money or valuable security in this and the last preceding section mentioned, it shall be lawful in the warrant of commitment by the Justice of the Peace, before whom the offender is charged, and in the indictment to be preferred against such offender, to lay the property of any such chattel, money or valuable security in Her Majesty or in the Municipality, as the case may be.

73. For preventing difficulties in the prosecution of offenders in any case of embezzlement, fraudulent application or disposition hereinbefore mentioned, it shall be lawful to charge in the indictment and proceed against the offender for any number of distinct acts of embezzlement, or of fraudulent application or disposition, not exeeding three, which may have been committed by him against Her Majesty or against the same Municipality, master or employer within the space of six months from the first to the last of such acts, and in every such indictment, where the offence relates to any money or any valuable security, it shall be sufficient to allege the embezzlement or fraudulent application or disposition to be of money, without specifying any particular coin or valuable security; and such allegation, so far as regards the description of the property, shall be sustained if the offender be proved to have embezzled or fraudulently applied or disposed of any amount, although the particular species of coin or valuable security of which such amount was composed, is not proved, or if he is proved to have embezzled or fraudulently applied or disposed of any piece of coin or any valuable security, or any portion of the value thereof, although such piece of coin or valuable security has been delivered to him in order that some part of the value thereof should be returned to the party delivering the same or to some other person, and such part has been returned accordingly.

Distinct acts of embezzlement, &c., may be charged in the same indictment.

74. If upon the trial of any person indicted for embezzlement or fraudulent application or disposition as aforesaid, it is proved that he took the property in question in any such manner as to amount in law to larceny, he shall not by reason thereof be entitled to be acquitted, but the jury shall be at liberty to return as their verdict that such person is not guilty of embezzlement or fraudulent application or disposition, but is guilty of simple larceny or larceny as a clerk, servant, or person employed for the purpose or in the capacity of a clerk or servant, or as a person employed in the public service (as the case may be), and thereupon such person shall be liable to be punished in the same manner as if he had been convicted upon an indictment for such larceny, and if upon the trial of any person indicted for larceny it is proved that he took the property in question, in any such manner as to amount in law to embezzlement or fraudulent application or disposition as aforesaid, he shall not by reason thereof be entitled to be acquitted, but the jury shall be at liberty to return as their

Person indicted for embezzlement as a clerk, &c., not to be acquitted if the offence turn out to be larceny, &c., but to be convicted of larceny, and *vice versa.*

verdict that such person is not guilty of larceny, but is guilty of embezzlement or fraudulent application or disposition, as the case may be, and thereupon such person shall be liable to be punished in the same manner as if he had been convicted upon an indictment for such embezzlement, fraudulent application or disposition; and no person so tried for embezzlement, fraudulent application or disposition, or larceny as aforesaid shall be liable to be afterwards prosecuted for larceny, fraudulent application or disposition or embezzlement upon the same facts.

As to larceny by tenants or lodgers.

Tenant or lodger stealing chattel or fixture let to hire with house or lodgings.

75. Whosoever steals any chattel or fixture let to be used by him or her, in or with any house or lodging, whether the contract has been entered into by him or her, or by her husband, or by any person on behalf of him or her or her husband, is guilty of felony, and shall be liable to be imprisoned for any term less than two years, with or without hard labour, and with or without solitary confinement, and in case the value of such chattel or fixture exceeds the sum of twenty-five dollars, shall be liable to be imprisoned in the Penitentiary for any term not exceeding seven years and not less than two years, or to be imprisoned in any other gaol or place of confinement for any term less than two years, with or without hard labour, and with or without solitary confinement; and in every case of stealing any chattel, in this section mentioned, it shall be lawful to prefer an indictment in the common form as for larceny, and in every case of stealing any fixture, in this section mentioned, to prefer an indictment in the same form as if the offender were not a tenant or lodger, and in either case to lay the property in the owner or person letting to hire.

As to frauds by agents, bankers, or factors.

Agent, banker, &c., embezzling money or selling securities, &c., intrusted to him.

76. Whosoever, having been intrusted, either solely, or jointly with any other person, as a banker, merchant, broker, attorney or other agent, with any money or security for the payment of money, with any direction in writing to apply, pay or deliver such money or security or any part thereof respectively, or the proceeds, or any part of the proceeds of such security for any purpose, or to any person specified in such direction, in violation of good faith, and contrary to the terms of such direction, in anywise converts to his own use or benefit, or the use or benefit of any person other than the person by whom he has been so intrusted, such money, security, or proceeds, or any part thereof respectively, and whosoever, having been intrusted, either solely or jointly with any other person, as a banker, merchant, broker, attorney, or other agent, with any chattel or valuable security, or any power of attorney for the sale or transfer of any share or interest in any public stock or fund, whether of the United Kingdom, or any part thereof, or of this Dominion of Canada, or any Province thereof, or of any British Colony or Possession, or of any foreign state, or in any stock

Or goods, &c., intrusted to him for safe custody.

stock or fund of any body corporate, company or society, for safe custody or for any special purpose without any authority to sell, negociate, transfer or pledge, in violation of good faith, and contrary to the object or purpose for which such chattel, security, or power of attorney has been intrusted to him, sells, negociates, transfers, pledges, or in any manner converts to his own use or benefit, or the use or benefit of any person other than the person by whom he has been so intrusted, such chattel, or security, or the proceeds of the same, or any part thereof, or the share or interest in the stock or fund to which such power of attorney relates, or any part thereof, is guilty of a misdemeanor, and shall be liable to be imprisoned in the Penitentiary for any term not exceeding seven years and not less than two years, or to be imprisoned in any other gaol or place of confinement for any term less than two years, with or without hard labour, and with or without solitary confinement; but nothing in this section contained relating to agents shall affect any trustee in or under any instrument whatsoever, or any mortgagee of any property, real or personal, in respect to any Act done by such trustee or mortgagee in relation to the property comprised in or affected by any such trust or mortgage; nor shall restrain any banker, merchant, broker, attorney or other agent from receiving any money due or to become actually due and payable upon or by virtue of any valuable security, according to the tenor and effect thereof, in such manner as he might have done if this Act had not been passed; nor from selling, transferring, or otherwise disposing of any securities or effects in his possession, upon which he has any lien, claim, or demand, entitling him by law so to do, unless such sale, transfer or other disposal extends to a greater number or part of such securities or effects than are requisite for satisfying such lien, claim or demand.

Punishment.

Not to apply to trustees or mortgagees.

Nor to bankers, &c., receiving money due on securities;

Or disposing of securities on which they have a lien.

77. Whosoever, being a banker, merchant, broker, attorney, or agent, and being intrusted, either solely, or jointly with any other person, with the property of any other person for safe custody, with intent to defraud, sells, negociates, transfers, pledges, or in any other manner converts or appropriates the same or part thereof, to or for his own use or benefit, or the use or benefit of any person other than the person by whom he was so intrusted, is guilty of a misdemeanor, and shall be liable to any of the punishments which the Court may award as hereinbefore last mentioned.

Bankers, &c., fraudulently selling, &c., property intrusted to their care.

78. Whosoever, being intrusted, either solely or jointly with any other person, with any power of Attorney, for the sale or transfer of any property, fraudulently sells or transfers, or otherwise converts the same or any part thereof to his own use or benefit, or the use or benefit of any person other than the person by whom he was so intrusted, is guilty of a misdemeanor, and shall be liable to any of the punishments which the Court may award as hereinbefore last mentioned.

Persons under powers of attorney fraudulently selling property.

79.

Factors obtaining advances on the property of their principals.

79. Whosoever, being a factor or agent intrusted, either solely or jointly with any other person, for the purpose of sale or otherwise, with the possession of any goods, or of any document of title to goods, contrary to or without the authority of his principal in that behalf, for his own use or benefit, or the use or benefit of any person, other than the person by whom he was so intrusted, and in violation of good faith, makes any consignment, deposit, transfer or delivery of any goods or document of title so intrusted to him as in this section before mentioned, as and by way of a pledge, lien or security for any money or valuable security, borrowed or received by such factor or agent at or before the time of making such consignment, deposit, transfer or delivery, or intended to be thereafter borrowed or received, or contrary to, or without such authority, for his own use or benefit, or the use or benefit of any person other than the person by whom he was so intrusted, and in violation of good faith, accepts any advance of any money or valuable security on the faith of any contract or agreement to consign, deposit, transfer or delivery of any such goods, or document of title, is guilty of a misdemeanor, and shall be liable to any of the punishments which the Court may award as hereinbefore last mentioned; and every clerk or other person who knowingly and wilfully acts and assists in making any such consignment, deposit, transfer or delivery, or in accepting or procuring such advance as aforesaid, is guilty of a misdemeanor, and shall be liable to any of the same punishments; Provided that no such factor or agent shall be liable to any prosecution for consigning, depositing, transferring or delivering any such goods or documents of title, in case the same are not made a security for, or subject to the payment of any greater sum of money than the amount, which at the time of such consignment, deposit, transfer, or delivery, was justly due and owing to such agent from his principal, together with the amount of any bill of exchange drawn by or on account of such principal, and accepted by such factor or agent.

Clerks wilfully assisting.

Proviso, as to cases excepted when the pledge does not exceed the amount of their lien.

Definitions of terms:

80. Any factor or agent intrusted as aforesaid, and possessed of any such document of title, whether derived immediately from the owner of such goods, or obtained by reason of such factor or agent having been intrusted with the possession of the goods, or of any other document of title thereto, shall be deemed to have been intrusted with the possession of the goods represented by such document of title; and every contract pledging or giving a lien upon such document of title as aforesaid, shall be deemed to be a pledge of and lien upon the goods to which the same relates; and such factor or agent shall be deemed to be possessed of such goods or document, whether the same are in his actual custody or held by any other person subject to his control, or for him, or on his behalf; and where any loan or advance is *bonâ fide* made to any factor or agent intrusted with and in possession of any such goods or document of title, on the faith of any contract or agreement in writing to consign, deposit, transfer or deliver such goods or document of title, and such goods or document of title is or are actually

"Intrusted."

"Pledge."

"Possessed."

"Loan or advance."

actually received by the person making such loan or advance, without notice that such factor or agent was not authorized to make such pledge or security, every such loan or advance shall be deemed to be a loan or advance on the security of such goods or document of title, within the meaning of the last preceding section, though such goods or document of title are not actually received by the person making such loan or advance till a period subsequent thereto; and any contract or agreement whether made direct with such factor or agent, or with any clerk or other person on his behalf, shall be deemed a contract or agreement with such factor or agent; and any payment made, whether by money or bill of exchange or other negotiable security, shall be deemed to be an advance within the meaning of the last preceding section; and a factor or agent in possession, as aforesaid, of such goods or document, shall be taken for the purpose of the last preceding section, to have been intrusted therewith by the owner thereof, unless the contrary be shown in evidence.

"Contract or agreement."

"Advance."

Possession to be evidence of intrusting.

81. Whosoever, being a trustee of any property for the use or benefit, either wholly or partially, of some other person, or for any public or charitable purpose, with intent to defraud, converts or appropriates the same or any part thereof to or for his own use or benefit, or the use or benefit of any person other than such person as aforesaid, or for any purpose other than such public or charitable purpose as aforesaid or otherwise disposes of or destroys such property or any part thereof, is guilty of a misdemeanor, and shall be liable to any of the punishments which the Court may award as hereinbefore last mentioned; Provided that no proceeding or prosecution for any offence included in this section shall be commenced without the sanction of the Attorney General, or Solicitor General for that Province in which the same is to be instituted; Provided also, that when any civil proceeding has been taken against any person to whom the provisions of this section may apply, no person who has taken such civil proceeding shall commence any prosecution under this section without the sanction of the Court or Judge before whom such civil proceeding has been had or is pending.

Trustees fraudulently disposing of property guilty of a misdemeanor.

No prosecution shall be commenced without the sanction of some judge or the Attorney General.

82. Whosoever, being a director, member, manager or public officer of any body corporate or public company, fraudulently takes or applies for his own use or benefit, or for any use or purposes other than the use or purposes of such body corporate or public company, any of the property of such body corporate or public company, is guilty of a misdemeanor, and shall be liable to any of the punishments which the Court may award as hereinbefore last mentioned.

Directors, &c., of any body corporate or public company fraudulently appropriating property.

83. Whosoever being a director, member, manager or public officer of any body corporate or public company, as such receives or possesses himself of any of the property of such body corporate or public company, otherwise than in payment of a just debt or demand, and with, intent to defraud, omits to make, or to cause

Or fraudulently keeping false accounts, or books.

or

or direct to be made, a full and true entry thereof in the books and accounts of such body corporate or public company, is guilty of a misdemeanor, and shall be liable to any of the punishments which the Court may award as hereinbefore last mentioned.

Or wilfully destroying or falsifying books or papers, &c.

84. Whosoever, being a director, manager, public officer or member of any body corporate or public company, with intent to defraud, destroys, alters, mutilates or falsifies any book, paper, writing or valuable security belonging to the body corporate or public company, or makes or concurs in the making of any false entry, or omits, or concurs in omitting any material particular in any book of account or document, is guilty of a misdemeanor, and shall be liable to any of the punishments which the Court may award as hereinbefore last mentioned.

Or fraudulently publishing false statements or accounts.

85. Whosoever, being a director, manager, or public officer or member of any body corporate or public company, makes, circulates or publishes, or concurs in making, circulating or publishing any written statement or account which he knows to be false in any material particular, with intent to deceive or defraud any member, shareholder, or creditor of such corporate or public company, or with intent to induce any person to become a shareholder or partner therein, or to intrust or advance any property to such body corporate or public company, or to enter into any security for the benefit thereof, is guilty of a misdemeanor, and shall be liable to any of the punishments which the Court may award as hereinbefore last mentioned.

No person to be exempt from answering questions in any court; but no person making a disclosure in any compulsory proceeding to be liable to prosecution.

86. Nothing in any of the last ten preceding sections of this Act contained shall enable or entitle any person to refuse to make a full and complete discovery by answer to any bill in equity, or to answer any question or interrogatory in any civil proceeding in any Court, or upon the hearing of any matter in bankruptcy or insolvency; and no person shall be liable to be convicted of any of the misdemeanors in the said sections mentioned by any evidence whatever, in respect of any act done by him, if, at any time previously to his being charged with such offence, he has first disclosed such act on oath, in consequence of any compulsory process of any Court of law or equity, in any action, suit or proceeding, *bonâ fide* instituted by any party aggrieved, or if he has first disclosed the same in any compulsory examination or deposition before any Court, upon the hearing of any matter in bankruptcy or insolvency.

No remedy at law or in equity to be affected.

87. Nothing in the last eleven preceding sections of this Act contained, nor any proceeding, conviction or judgment to be had or taken thereon against any person under any of the said sections shall prevent, lessen, or impeach any remedy at law or in equity, which any party aggrieved by any offence against any of the said sections might have had if this Act had not been passed; but no conviction of any such offender shall be received in evidence in any action at law or suit in equity against him; and nothing in the

the said sections contained shall affect or prejudice any agreement entered into, or security given by any trustee, having for its object the restoration or repayment of any trust property misappropriated.

Convictions not to be received in evidence in civil suits.

88. If the keeper of any warehouse, or any forwarder, common carrier, agent, clerk, or other person employed in or about any warehouse, or if any other factor or agent, or any clerk or other person employed in or about the business of such factor or agent, knowingly and wilfully gives to any person a writing purporting to be a receipt for, or an acknowledgment of any goods or other property as having been received in his warehouse, or in the warehouse in or about which he is employed, or in any other manner received by him or by the person in or about whose business he is employed, before the goods or other property named in such receipt or acknowledgment have been actually delivered to him as aforesaid, with intent to mislead, deceive, injure or defraud any person or persons whomsoever, although such person or persons may be then unknown,—or if any person knowingly and wilfully accepts or transmits or uses any such false receipt or acknowledgment, the person giving and the person accepting, transmitting or using such receipt or acknowledgment, are severally guilty of a misdemeanor, and shall be liable to be imprisoned in the Penitentiary for any term not exceeding three years, and not less than two years, or to be imprisoned in any other gaol or place of confinement for any term less than two years but not less than one year.

Keepers of warehouses, &c., giving false receipts.

Persons knowingly using false receipts.

89. If any merchandise has, in the name of the owner or of any other person, been shipped or delivered to the keeper of any warehouse or to any other factor, agent or carrier, to be shipped or carried, and the consignee afterwards advances any moneys or gives any negotiable security to such owner or other person, then, if after any such advance the said owner or other person for his own benefit and in violation of good faith, and without the consent of such consignee first had and obtained, makes any disposition of such merchandise different from and inconsistent with the agreement made in that behalf between such owner or other person aforesaid and such consignee at the time of or before such money being so advanced or such negotiable security being so given, with the intent to deceive, defraud or injure such consignee, the owner or other person aforesaid, and each and every other person knowingly and wilfully acting and assisting in making such disposition for the purpose of deceiving, defrauding or injuring such consignee, is or are guilty of a misdemeanor, and shall be liable to be imprisoned in the Penitentiary for any term not exceeding three years, and not less than two years, or to be imprisoned in any other gaol or place of confinement for any term less than two years but not less than one year; but no person shall be subject to prosecution under this section, who had, before making a disposition of the merchandise aforesaid, paid or tendered to the consignee the full amount of any advance made thereon.

Owners selling after advance by consignees.

Proviso: if consignee's advances be paid.

90.

Millers, factors, &c., giving receipts for goods, and not delivering the some accordingly.

90. Any miller, warehouseman, factor, agent, or other person, who, after having given, or after any clerk or person in his employ has to his knowledge given, as having been received by him, in any mill, warehouse, vessel, cove, or other place, any receipt, certificate or acknowledgment, for grain, timber, or other goods or property, which can be used for any of the purposes mentioned in the Act passed in the thirty-first year of Her Majesty's Reign and intituled: "An Act respecting Banks," or any person, who, after having obtained any such receipt, certificate, or acknowledgment, and after having endorsed or assigned it to any bank, or person, afterwards and without the consent of the holder, or endorsee in writing, or the production and delivery of the receipt, certificate, or acknowledgment, wilfully alienates, or parts with, or does not deliver to such holder, or endorsee, of such receipt, certificate or acknowledgment, the grain, timber, goods, or property therein mentioned, is guilty of a misdemeanor, and shall be liable to be imprisoned in the Penitentiary for any term not exceeding three years, or in any other gaol or place of confinement for any term less than two years, but not less than one year; Provided that nothing in this section shall prevent the offender from being indicted and punished for larceny, instead of misdemeanor, if, as being a bailee, his offence amounts to larceny.

Proviso.

As to partners.

91. If any offence in the last three preceding sections mentioned be committed by the doing of any thing in the name of any firm, company or copartnership of persons, the person by whom such thing is actually done, or who connives at the doing thereof, shall be deemed guilty of the offence, and not any other person.

Certain misdemeanors not triable at Sessions.

92. No misdemeanor against any of the sixteen last preceding sections of this Act shall be prosecuted or tried at any Court of General or Quarter Sessions of the Peace; and if upon the trial of any person under any of the said sections, it appears that the offence proved amounts to larceny, he shall not by reason thereof be entitled to be acquitted of a misdemeanor under the said sections.

As to obtaining money, &c., by false pretences.

False pretences.

93. Whosoever by any false pretence obtains from any other person any chattel, money or valuable security, with intent to defraud, is guilty of a misdemeanor, and shall be liable to be imprisoned in the Penitentiary for any term not exceeding three years and not less than two years, or to be imprisoned in any other gaol or place of confinement for any term less than two years, with or without hard labour, and with or without solitary confinement; Provided, that if upon the trial of any person indicted for such misdemeanor, it is proved that he obtained the property in question in any such manner as to amount in law to larceny, he shall not by reason thereof be entitled to be acquitted of such misdemeanor; and no person tried for such misdemeanor shall

No acquittal because the offence amounts to larceny.

shall be liable to be afterwards prosecuted for larceny upon the same facts; Provided also, that it shall be sufficient in any indictment for obtaining or attempting to obtain any such property by false pretences, to allege that the party accused did the act with intent to defraud, and without alleging an intent to defraud any particular person, and without alleging any ownership of the chattel, money, or valuable security; And on the trial of any such indictment it shall not be necessary to prove an intent to defraud any particular person, but it shall be sufficient to prove that the party accused did the act charged with an intent to defraud. Form of indictment and evidence.

94. Whosoever, by any false pretence, causes or procures any money to be paid, or any chattel or valuable security to be delivered to any other person, for the use or benefit, or on account of the person making such false pretence, or of any other person, with intent to defraud, shall be deemed to have obtained such money, chattel or valuable security, within the meaning of the last preceding section. Where any money, &c., is paid to any person other than the person making a false pretence.

95. Whosoever, with intent to defraud or injure any other person, by any false pretence fraudulently causes or induces any other person to execute, make, accept, endorse, or destroy the whole or any part of any valuable security, or to write, impress or affix his name, or the name of any other person, or of any company, firm or co-partnership, or the seal of any body corporate, company or society, upon any paper or parchment, in order that the same may be afterwards made or converted into or used or dealt with as a valuable security, is guilty of a misdemeanor, and shall be liable to be imprisoned in the Penitentiary for any term not exceeding three years and not less than two years, or to be imprisoned in any other gaol or place of confinement for any term less than two years, with or without hard labour, and with or without solitary confinement. Inducing persons by fraudulent means to execute deeds and other instruments.

96. Whosoever for any purpose, or with any intent wrongfully and with wilful falsehood, pretends or alleges that he enclosed and sent or caused to be enclosed and sent in any Post Letter any money, valuable security, or chattel, which in fact he did not so enclose and send, or cause to be enclosed and sent therein, is guilty of a misdemeanor, and shall be liable to be punished as if he had obtained the money, valuable security, or chattel, so pretended to be enclosed or sent, by false pretences; and it shall not be necessary to allege in the indictment, or to prove on the trial, that the act was done with intent to defraud. Falsely pretending to have inclosed money or other property in a Post letter.

97. Whosoever by any fraud or unlawful device or ill practice in playing at any game of cards or dice, or of any other kind, or at any race, or in betting on any event, wins or obtains any money or property from any other person, shall be held to have unlawfully obtained the same by false pretences, and shall be punishable accordingly. Winning money by cheating at games.

98.

Obtaining passage in steamers, &c., by false tickets.

98. Whosoever by means of any false ticket or order, or of any other ticket or order, fraudulently and unlawfully obtains or attempts to obtain any passage on any railway, or in any steam or other vessel, is guilty of a misdemeanor, and shall be liable to be imprisoned in any common gaol or house of correction, with or without hard labour, for any period not exceeding six months.

Persons indicted for larceny may be convicted of obtaining by false pretences.

99. If upon the trial of any person for larceny, it appears that the property taken was obtained by such person by fraud under circumstances which do not amount to such taking as constitutes larceny, such person shall not by reason thereof be entitled to be acquitted, but the Jury may return as their verdict, that such person is not guilty of larceny, but is guilty of obtaining such property by false pretences, with intent to defraud, if the evidence prove such to have been the case, and thereupon such person shall be punished in the same manner as if he had been convicted upon an indictment for obtaining property under false pretences, and no person so tried for larceny as aforesaid, shall be afterwards prosecuted for obtaining property by false pretences upon the same facts.

As to receiving stolen goods.

Receiving where the principal is guilty of felony.

100. Whosoever receives any chattel, money, valuable security, or other property whatsoever, the stealing, taking, extorting, obtaining, embezzling, and otherwise disposing whereof, amounts to a felony, either at common law or by virtue of this Act, knowing the same to have been feloniously stolen, taken, extorted, obtained, embezzled, or disposed of, is guilty of felony, and may be indicted and convicted either as an accessory after the fact or for a substantive felony, and in the latter case whether the principal felon shall or shall not have been previously convicted, or shall or shall not be amenable to justice; and every such receiver, howsoever convicted, shall be liable to be imprisoned in the Penitentiary for any term not exceeding fourteen years and not less than two years, or to be imprisoned in any gaol or other place of confinement for any term less than two years, with or without hard labour, and with or without solitary confinement; Provided that no person howsoever tried for receiving as aforesaid, shall be liable to be prosecuted a second time for the same offence.

Indictment for stealing may have a count for receiving.

101. In any indictment containing a charge of feloniously stealing any property, it shall be lawful to add a count or several counts for feloniously receiving the same, or any part or parts thereof, knowing the same to have been stolen; and in any indictment for feloniously receiving any property, knowing it to have been stolen, it shall be lawful to add a count for feloniously stealing the same; and where any such indictment has been preferred and found against any person, the prosecutor shall not be put to his election, but it shall be lawful for the jury who try the same to find a verdict of guilty, either of stealing the property or of receiving the same, or any part or parts thereof, knowing the

same

same to have been stolen; and if such indictment has been preferred and found against two or more persons, it shall be lawful for the jury who try the same to find all or any of the said persons guilty either of stealing the property or receiving the same, or any part or parts thereof, knowing the same to have been stolen, or to find one or more of the said persons guilty of stealing the property, and the other or others of them guilty of receiving the same, or any part or parts thereof, knowing the same to have been stolen. **If two or more persons are included.**

102. Whenever any property whatsoever has been stolen, taken, extorted, obtained, embezzled or otherwise disposed of in any such a manner as to amount to a felony, either at common law or by virtue of this Act, any number of receivers at different times of such property, or of any part or parts thereof, may be charged with substantive felonies in the same indictment, and may be tried together, notwithstanding that the principal felon shall not be included in the same indictment, or shall not be in custody or amenable to justice. **Separate receivers may be included in the same indictment, and in the absence of the principal.**

103. If upon the trial of two or more persons indicted for jointly receiving any property, it is proved that one or more of such persons separately received any part or parts of such property, it shall be lawful for the jury to convict, upon such indictment, such of the said persons as are proved to have received any part or parts of such property. **As to convictions on an indictment for jointly receiving.**

104. Whosoever receives any chattel, money, valuable security, or other property whatsoever, the stealing, taking, obtaining, converting or disposing whereof is made a misdemeanor by this Act, knowing the same to have been unlawfully stolen, taken, obtained, converted or disposed of, is guilty of a misdemeanor, and may be indicted and convicted thereof, whether the person guilty of the principal misdemeanor has or has not been previously convicted thereof, or is or is not amenable to justice; and every such receiver shall be liable to be imprisoned in the Penitentiary for any term not exceeding seven years and not less than two years, or to be imprisoned in any other gaol or place of confinement for any term less than two years, with or without hard labour and with or without solitary confinement. **Receiving where the principal has been guilty of a misdemeanor.**

105. Whosoever receives any chattel, money, valuable security or other property whatsoever, knowing the same to have been feloniously or unlawfully stolen, taken, obtained, converted or disposed of, may, whether charged as an accessory after the fact to the felony, or with a substantive felony, or with a misdemeanor only, be dealt with, indicted, tried, and punished in any county, district or place in which he has or has had any such property in his possession, or in any county, district or place in which the party guilty of the principal felony or misdemeanor may by law be tried, in the same manner as such receiver may be dealt with, indicted **Receiver where triable.**

indicted, tried and punished in the county, district or place where he actually received such property.

Receivers of property, where the original offence is punishable on summary conviction.

106. Where the stealing or taking of any property whatsoever is by this Act punishable on summary conviction, either for every offence, or for the first and second offence only, or for the first offence only, any person who receives any such property, knowing the same to be unlawfully come by, shall, on conviction thereof before a Justice of the Peace, be liable, for every first, second, or subsequent offence of receiving, to the same forfeiture and punishment to which a person guilty of a first, second, or subsequent offence of stealing or taking such property is by this Act made liable.

Principals in the second degree and accessories, how punishable.

107. In the case of every felony punishable under this Act, every principal in the second degree and every accessory before the fact, shall be punishable in the same manner as the principal in the first degree is punishable, and every accessory after the fact to any felony punishable under this Act (except only a receiver of stolen property) shall be liable to be imprisoned for any term less than two years, with or without hard labour, and with or without solitary confinement; and every person aiding, abetting, counselling, or procuring the commission of any misdemeanor punishable under this Act, shall be liable to be indicted and punished as a principal offender.

Abettors in misdemeanors.

Abettors in offences punishable on summary conviction.

108. Whosoever aids, abets, counsels, or procures the commission of any offence, which is by this Act punishable on summary conviction, either for every time of its commission, or for the first and second time only, or for the first time only, shall, on conviction before a Justice of the Peace, be liable, for every first, second or subsequent offence of aiding, abetting, counselling, or procuring, to the same forfeiture and punishment to which a person guilty of a first, second, or subsequent offence, as a principal offender is made liable.

Regulations to be conformed to by dealers in marine stores.

109. Every person dealing in the purchase of old marine stores of any description, including anchors, cables, sails, junk, iron, copper, brass, lead, and other marine stores, shall conform to the following regulations:

Not to purchase from certain persons.

First,—He shall not, by himself or his agent, purchase any old marine stores from any person under the age of sixteen years, and on conviction of any such offence before a Justice of the Peace, shall be liable to a penalty of four dollars for the first offence, and of six dollars for every subsequent offence;

Punishment for secreting stolen marine stores.

Secondly,—He shall not purchase or receive into his stores, premises or places of deposit, any old marine stores, except in the day time, between sunrise and sunset, under a penalty of five dollars for the first offence, and of seven dollars for every subsequent one; and if any old marine stores which had been stolen

are

are found secreted in the premises of any person purporting to be a dealer in such stores, such person shall be guilty of a misdemeanor, and shall be punishable therefor in any manner by law prescribed for misdemeanor.

As to offences not otherwise provided for.

110. Whosoever unlawfully and with intent to defraud, by taking, by embezzlement, by obtaining by false pretences, or in any other manner whatever, appropriates to his own use or to the use of any other person, any property whatsoever, real or personal, in possession or in action, so as to deprive any other person temporarily, or absolutely of the advantage, use or enjoyment of any beneficial interest in such property in law or in equity, which such other person may have therein, is guilty of a misdemeanor punishable in like manner as simple larceny; and if the value of such property exceeds two hundred dollars, then such misdemeanor shall be punishable by imprisonment in the Penitentiary for any term not exceeding fourteen years, or in any manner in which simple larceny is punishable; and if on the trial of any person for larceny, for embezzlement, or for obtaining by false pretences, the jury are of opinion that such person is not guilty of the offence charged in the indictment, but are of opinion that he is guilty of an offence against this section, they may find him so guilty, and he shall be liable to be punished as herein provided, as if he had been convicted on an indictment under this section; and in any case in which any person is convicted of an offence against this Act by stealing, embezzling or obtaining by false pretences any property whatever, then if the value of the property be over two hundred dollars, the offender shall be liable to be punished by imprisonment in the Penitentiary for a term not exceeding seven years, in addition to any punishment to which he would be otherwise liable for such offence.

Punishment for any act by which a person is defrauded of the advantage, possession, or use of his property.

Conviction may be under this section on indictment for larceny, &c.

Additional punishment when the property stolen, &c., is over $200 in value.

111. Whosoever wilfully and unlawfully conceals or appropriates any timber, mast, spars, saw-logs, or other description of lumber, which having been adrift in any river or lake, is found so adrift, in any such river or lake, or cast ashore on the bank or beach of any such river or lake, or wilfully and unlawfully defaces or adds any mark or number, on any such article or thing, or makes any false or counterfeit mark thereon, or refuses to deliver up to the proper owner thereof or to the person in charge thereof on behalf of such owner, any such article or thing, is guilty of a misdemeanor punishable in like manner as simple larceny.

Appropriating timber found adrift, altering or effacing marks, &c., or refusing to deliver it to the owner.

112. If any person brings into Canada, or has in his possession therein, any property stolen, embezzled, converted or obtained by fraud or false pretences in any other country, in such manner that the stealing, embezzling, converting, or obtaining it in like manner in Canada, would, by the laws of Canada, be a felony or misdemeanor; then the bringing such property into Canada, or the having it in possession therein, knowing it to have been so stolen

Bringing into Canada property stolen, embezzled, or unlawfully obtained elsewhere.

stolen, embezzled or converted, or unlawfully obtained, shall be an offence of the same nature, and punishable in like manner as if the stealing, embezzling, converting or unlawfully obtaining such property had taken place in Canada, and such person may be tried and convicted in any district, county or place in Canada, into or in which he brings such property, or has it in possession.

As to restitution or recovery of stolen property.

The owner of stolen property prosecuting the thief or receiver to conviction shall have restitution of his property.

113. If any person, guilty of any such felony or misdemeanor as is mentioned in this Act, in stealing, taking, obtaining, extorting, embezzling, appropriating, converting or disposing of, or in knowingly receiving any chattel, money, valuable security, or other property whatsoever, is indicted for such offence, by or on behalf of the owner of the property, or his executor or administrator, and convicted thereof, in such case the property shall be restored to the owner or his representative; and in every case in this section aforesaid the Court before whom any person is tried for any such felony or misdemeanor shall have power to award, from time to time, writs of restitution for the said property or to order the restitution thereof in a summary manner; and the Court may also, if it see fit, award restitution of the property taken from the prosecutor, or any witness for the prosecution, by such felony or misdemeanor, although the person indicted is not convicted thereof, if the jury declare (as they may do) that such property belongs to such prosecutor or witness, and that he was unlawfully deprived of it by such felony or misdemeanor; Provided that if it appears before any award or order made, that any valuable security has been *bonâ fide* paid or discharged by some person or body corporate liable to the payment thereof, or being a negotiable instrument, has been *bonâ fide* taken or received by transfer or delivery, by some person or body corporate, for a just and valuable consideration, without any notice or without any reasonable cause to suspect that the same had by any felony or misdemeanor been stolen, taken, obtained, extorted, embezzled, converted or disposed of, in such case the Court shall not award or order the restitution of such security; Provided also, that nothing in this section contained shall apply to the case of any prosecution of any trustee, banker, merchant, attorney, factor, broker, or other agent intrusted with the possession of goods or documents of title to goods, for any misdemeanor against this Act.

Restitution in other cases.

Provision as to valuable and negotiable securities.

Not to apply to prosecutions of trustees, bankers, &c.

Restitution in certain cases out of money taken from the prisoner.

114. When any prisoner has been convicted, either summarily or otherwise, of any larceny or other offence, including the stealing or unlawfully obtaining any property, and it appears to the Court, by the evidence, that the prisoner sold such property or part of it to any person who had no knowledge that it was stolen or unlawfully obtained, and that money has been taken from the prisoner on his apprehension, the Court may, on the application of such purchaser and on restitution of the property to its owner, order that out of the money so taken from the prisoner, a sum not

not exceeding the amount of the proceeds of the sale be delivered to such purchaser.

115. Whosoever corruptly takes any money or reward, directly or indirectly, under pretence, or upon account of helping any person to any chattel, money, valuable security or other property whatsoever, which by any felony or misdemeanor has been stolen, taken, obtained, extorted, embezzled, converted, or disposed of, as in this Act before mentioned, (unless he has used all due diligence to cause the offender to be brought to trial for the same) is guilty of felony, and shall be liable to be imprisoned in the Penitentiary for any term not exceeding seven years and not less than two years, or to be imprisoned in any other gaol or place of confinement for any term less than two years, with or without hard labour and with or without solitary confinement.

Taking a reward for helping to the recovery of stolen property without bringing the offender to trial.

116. Whosoever publicly advertises a reward for the return of any property whatsoever, which has been stolen or lost, and in such advertisement uses any words purporting that no questions will be asked, or makes use of any words in any public advertisement purporting that a reward will be given or paid for any property which has been stolen or lost, without seizing or making any inquiry after the person producing such property, or promises or offers in any such public advertisement to return to any pawnbroker or other person who may have bought or advanced money by way of loan on any property stolen or lost, the money so paid or advanced, or any other sum of money for the return of such property, or prints or publishes any such advertisement, shall forfeit the sum of two hundred and fifty dollars for any such offence to any person who will sue for the same by action of debt, to be recovered with full costs of suit.

Advertising a reward for the return of stolen property, &c.

As to apprehension of offenders and other proceedings.

117. Any person found committing any offence punishable either upon indictment or upon summary conviction, by virtue of this Act, may be immediately apprehended without a warrant by any person, and forthwith taken, together with the property, if any, on or with respect to which the offence is committed, before some neighboring Justice of the Peace to be dealt with according to law; and if any credible witness proves upon oath before a Justice of the Peace a reasonable cause to suspect that any person has in his possession or on his premises any property whatsoever on or with respect to which any offence, punishable either upon indictment or upon summary conviction by virtue of this Act, has been committed, the Justice may grant a warrant to search for such property as in the case of stolen goods; and any person to whom any property is offered to be sold, pawned, or delivered, if he has reasonable cause to suspect that any such offence has been committed on or with respect to such property, is hereby authorised, and, if in his power, is required, to apprehend and forthwith to take before a Justice of the Peace the party offering the same

Apprehension without a warrant.

Justice may grant a search warrant.

Person to whom stolen property is offered, may arrest party offering it.

same, together with such property, to be dealt with according to law.

If a person summarily convicted does not pay his fine, &c., the Justice may commit him.

118. In every case of a summary conviction under this Act, where the sum forfeited for the value of the property stolen or taken, or for the amount of the injury done, or imposed as a penalty by the Justice, is not paid, either immediately after the conviction or within such period as the Justice shall, at the time of the conviction, appoint, the convicting Justice (unless where otherwise specially directed) may commit the offender to the common gaol or house of correction, there to be imprisoned only, or to be imprisoned and kept to hard labour, according to the discretion of the Justice, for any term not exceeding two months where the amount of the sum forfeited or of the penalty imposed, or of both (as the case may be), together with the costs, does not exceed twenty-five dollars, and for any term not exceeding three months where the amount, with costs, exceeds twenty-five dollars; the commitment to be determinable in each of the cases aforesaid upon payment of the amount and costs.

Scale of imprisonment.

Justice may discharge the offender in certain cases.

119. Where any person is summarily convicted before a Justice of the Peace, of any offence against this Act, and it is a first conviction, the Justice may, if he so thinks fit, discharge the offender from his conviction, upon his making such satisfaction to the party aggrieved, for damages and costs, or either of them, as shall be ascertained by the Justice.

A summary conviction shall be a bar to any other proceeding for the same cause.

120. In case any person convicted of any offence punishable upon summary conviction, by virtue of this Act, has paid the sum adjudged to be paid, together with costs, under such conviction, or has received a remission thereof from the Crown, or has suffered the imprisonment awarded for non-payment thereof, or the imprisonment adjudged in the first instance, or has been so discharged from his first conviction by any justice as aforesaid, in every such case he shall be released from all further or other proceedings for the same cause.

As to other matters.

Stealers of property in one part of the Dominion, &c., may be tried and punished in that part where they have the property.

121. If any person has in his possession in any one part of Canada, any chattel, money, valuable security or other property whatsoever, which he has stolen or otherwise feloniously or unlawfully taken or obtained, by any offence against this Act, in any other part of Canada he may be dealt with, indicted, tried and punished for larceny or theft in that part of Canada where he so has such property, in the same manner as if he had actually stolen or taken or obtained it in that part; and if any person in any one part of Canada receives or has any chattel, money, valuable security, or other property whatsoever which has been stolen, or otherwise feloniously or unlawfully taken or obtained in any other part of Canada, such person knowing such property to have been stolen or otherwise feloniously or unlawfully taken or

or obtained, he may be dealt with, indicted, tried and punished for such offence in that part of Canada where he so receives or has such property, in the same manner as if it had been originally stolen or taken or obtained in that part.

122. Whenever any person is convicted of any indictable misdemeanor punishable under this Act, the Court may, if it thinks fit, in addition to, or in lieu of any of the punishments by this Act authorized, fine the offender, and require him to enter into his own recognizances and to find sureties, both or either, for keeping the peace and being of good behaviour; and in case of any felony punishable under this Act, the Court may, if it thinks fit, require the offender to enter into his own recognizances, and to find sureties, both or either, for keeping the peace, in addition to any punishment by this Act authorized; Provided that no person shall, under this section, be imprisoned for any period exceeding one year for not finding sureties. Fine and sureties for keeping the peace in certain cases. Proviso.

123. Every offence hereby made punishable on summary conviction may be prosecuted in the manner directed by the Act of the present Session, intituled: *An Act respecting the duties of Justices of the Peace out of Sessions, in relation to Summary Convictions and orders*, so far as no other provision is hereby made for any matter or thing which may be required to be done in the cause of such prosecution; and all provisions contained in the said Act shall be applicable to such prosecutions in the same manner as if they were incorporated in this Act. Summary proceedings. Act this Session, cap. 31.

124. This Act shall commence and take effect on the first day of January, one thousand eight hundred and seventy. Commencement of Act.

CAP. XXII.

An Act respecting Malicious Injuries to Property.

[*Assented to 22nd June,* 1869.]

WHEREAS it is expedient to assimilate, amend and consolidate the Statute Law of the several Provinces of Quebec, Ontario, Nova Scotia and New Brunswick, relating to Malicious Injuries to Property, and to extend the same as so consolidated to all Canada: Therefore, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows: Preamble.

Injuries by fire to buildings and goods therein.

1. Whosoever unlawfully and maliciously sets fire to any church, chapel, meeting-house, or other place of divine worship, is guilty of felony, and shall be liable to be imprisoned in the Penitentiary for life or for any term not less than two years, or to be Setting fire to a church, chapel, &c.

15 imprisoned

imprisoned in any other gaol or place of confinement for any term less than two years, with or without hard labour, and with or without solitary confinement.

Setting fire to a dwelling-house, any person being therein.

2. Whosoever unlawfully and maliciously sets fire to any dwelling-house, any person being therein, is guilty of felony, and shall be liable to be imprisoned in the Penitentiary for life or for any term not less than two years, or to be imprisoned in any other gaol or place of confinement for any term less than two years, with or without hard labour, and with or without solitary confinement.

Setting fire to a house, out-house, manufactory, farm building, &c.

3. Whosoever unlawfully and maliciously sets fire to any house, stable, coach-house, out-house, warehouse, office, shop, mill, malt-house, hop-oast, barn, storehouse, granary, hovel, shed or fold, or to any farm building, or to any building or erection used in farming land, or in carrying on any trade or manufacture, or any branch thereof, whether the same is then in the possession of the offender, or in the possession of any other person, with the intent thereby to injure or defraud any person, is guilty of felony, and shall be liable to be imprisoned in the Penitentiary for life, or for any term not less than two years, or to be imprisoned in any other gaol or place of confinement for any term not less than two years, with or without hard labour, and with or without solitary confinement.

Setting fire to any railway station, or to any building belonging to any railway, canal, port, dock, &c.

4. Whosoever unlawfully and maliciously sets fire to any station, engine-house, warehouse, or other building, belonging or appertaining to any railway, port, dock, or harbour, or to any canal or other navigation, is guilty of felony, and shall be liable to be imprisoned in the Penitentiary for life, or for any term not less than two years, or to be imprisoned in any other gaol or place of confinement for any term less than two years, with or without hard labour, and with or without solitary confinement.

Setting fire to any of Her Majesty's dock-yards, ships, &c.

5. Whosoever unlawfully and maliciously sets on fire or burns, or otherwise destroys or causes to be set on fire or burnt, or otherwise destroyed, or aids, procures, abets or assists, in the setting on fire or burning, or otherwise destroying, of any of Her Majesty's ships or vessels of war, whether afloat or building, or begun to be built in any of Her Majesty's dock-yards, or building or repairing by contract in any private yard for the use of Her Majesty, or any of Her Majesty's arsenals, magazines, dock-yards, rope-yards, victualling offices, or any of the buildings erected therein or belonging thereto, or any timber or material there placed, for building, repairing or fitting out of ships or vessels, or any of Her Majesty's military, naval, or victualling stores, or other ammunition of war, or any place or places where any such military, naval, or victualling stores, or other ammunition of war are kept, placed or deposited, is guilty of felony, and shall be liable to be imprisoned in the Penitentiary for life, or for any term not less than two

two years, or to be imprisoned in any other gaol or place of confinement for any term less than two years, with or without hard labour, and with or without solitary confinement.

6. Whosoever unlawfully and maliciously sets fire to any building, other than such as are in this Act before mentioned, belonging to the Queen or to any county, riding, division, city, town, village, parish, or place, or belonging to any university or college or hall of any university, or to any corporation, or to any unincorporated body or society of persons, associated together for any lawful purpose, or devoted or dedicated to public use or ornament, or erected or maintained by public subscription or contribution, is guilty of felony, and shall be liable to be imprisoned in the Penitentiary for life, or for any term not less than two years, or to be imprisoned in any other gaol or place of confinement for any term less than two years, with or without hard labour, and with or without solitary confinement.

Setting fire to any public building.

7. Whosoever unlawfully and maliciously sets fire to any building other than such as are in this Act before mentioned, is guilty of felony, and shall be liable to be imprisoned in the Penitentiary for any term not exceeding fourteen years, and not less than two years, or to be imprisoned in any other gaol or place of confinement for any term less than two years, with or without hard labour, and with or without solitary confinement.

Setting fire to other buildings.

8. Whosoever unlawfully and maliciously sets fire to any matter or thing, being in, against or under any building, under such circumstances that if the building were thereby set fire to, the offence would amount to felony, is guilty of felony, and shall be liable to be imprisoned in the Penitentiary for any term not exceeding fourteen years and not less than two years, or to be imprisoned in any other gaol or place of confinement for any term less than two years, with or without hard labour, and with or without solitary confinement.

Setting fire to goods in any building, the setting fire to which is felony.

9. Whosoever by such negligence as shall show him to be reckless or wantonly regardless of consequences, or in contravention of a municipal law of the locality, sets fire to any forest, tree, manufactured lumber, square timber, logs or floats, boom, dam or slide on the Crown domain or land leased or lawfully held for the purpose of cutting timber, or on private property, on any creek or river, or rollway, beach or wharf, so that the same be injured or destroyed, is guilty of a misdemeanor, and shall be liable to imprisonment in any gaol or place of confinement for any term not longer than two years, with or without hard labour.

Setting fire by negligence to any forest, tree, lumber, &c.

10. When in the opinion of the Magistrate investigating the charge under the preceding section the consequences have not been serious, he may in his discretion dispose of the matter summarily without sending the offender for trial, by imposing such a fine, not exceeding fifty dollars, as he may deem right to impose; or

In cases not serious, magistrate may impose a fine, without committal for trial.

or in default of payment, by committal to gaol for any period not exceeding six months, or until the fine be paid, and with or without hard labour.

Setting fire maliciously to any forest, tree, lumber, &c.

11. Whosoever unlawfully and maliciously sets fire to any forest, tree, manufactured lumber, square timber, logs or floats, boom, dam or slide on the Crown domain, or on land leased or lawfully held for the purpose of cutting timber, or on private property or on any creek, or river, or rollway, beach or wharf, so that the same be injured or destroyed, is guilty of felony, and shall be liable to be imprisoned in the Penitentiary for any term not exceeding fourteen years and not less than two years, or to be imprisoned in any other gaol or place of confinement for any term less than two years, with or without hard labour, and with or without solitary confinement.

Attempting to set fire to buildings.

12. Whosoever unlawfully and maliciously, by any overt act, attempts to set fire to any building, or any matter or thing in the last preceding section mentioned, under such circumstances that if the same were thereby set fire to the offender would be guilty of felony, is guilty of felony, and shall be liable to be imprisoned in the Penitentiary for any term not exceeding fourteen years and not less than two years, or to be imprisoned in any other gaol or place of confinement for any term less than two years, with or without hard labour, and with or without solitary confinement.

Injuries by explosive substances to buildings and goods therein.

Destroying, &c., a house with gunpowder, &c., any person being therein.

13. Whosoever unlawfully and maliciously, by the explosion of gunpowder, or other explosive substance, destroys, throws down, or damages the whole or any part of any dwelling-house, any person being therein, or of any building, whereby the life of any person is endangered, is guilty of felony, and shall be liable to be imprisoned in the Penitentiary for life or for any term not less than two years, or to be imprisoned in any other gaol or place of confinement for any term less than two years, with or without hard labour, and with or without solitary confinement.

Attempting to destroy buildings with gunpowder, &c.

14. Whosoever unlawfully and maliciously places or throws in, into, upon, under, against or near any building any gunpowder or other explosive substance with intent to destroy or damage any building, or any engine, machinery, working tools, fixtures, goods or chattels, whether or not any explosion takes place, and whether or not any damage is caused, is guilty of felony, and shall be liable to be imprisoned in the Penitentiary for any term not exceeding fourteen years and not less than two years, or to be imprisoned in any other gaol or place of confinement for any term not exceeding two years, with or without hard labour, and with or without solitary confinement.

Injuries to buildings by rioters, &c.

Rioters demolishing church, building, &c.

15. If any person riotously and tumultuously assembled together to the disturbance of the public peace unlawfully and with force

force demolish or pull down or destroy, or begin to demolish, pull down or destroy, any church, chapel, meeting-house or other place of divine worship, or any house, stable, coach-house, outhouse, warehouse, office, shop, mill, malt-house, hop-oast, barn, granary, shed, hovel, or fold, or any building or erection used in farming land, or in carrying on any trade or manufacture or any branch thereof, or any building other than such as are in this section before mentioned, belonging to Her Majesty, or to any county, riding, city, town, village, parish or place, or to any university or college or hall of any university, or to any corporation, or to any unincorporated body or society or persons associated for any lawful purpose, or devoted or dedicated to public use or ornament, or erected or maintained by public subscription or contribution, or any machinery, whether fixed or moveable, prepared for or employed in any manufacture or in any branch thereof, or any steam engine or other engine for sinking, working, ventilating or draining any mine, or any staith, building or erection used in conducting the business of any mine, or any bridge, waggon-way or trunk for conveying minerals from any mine, every such offender is guilty of felony, and shall be liable to be imprisoned in the Penitentiary for life or for any term not less than two years, or to be imprisoned in any other gaol or place of confinement for any term less than two years, with or without hard labour, and with or without solitary confinement.

16. If any persons riotously and tumultuously assembled together to the disturbance of the public peace, unlawfully and with force, injure or damage any such church, chapel, meeting-house, place of divine worship, house, stable, coach-house, outhouse, warehouse, office, shop, mill, malt-house, hop-oast, barn, granary, shed, hovel, fold, building, erection, machinery, engine, staith, bridge, waggon-way, or trunk, as in the last preceding section mentioned, every such offender is guilty of a misdemeanor, and shall be liable to be imprisoned in the Penitentiary for any term not exceeding seven years, and not less than two years, or to be imprisoned in any other gaol or place of confinement for any term less than two years, with or without hard labour; Provided that if upon the trial of any person for any felony in the last preceding section mentioned the jury are not satisfied that such person is guilty thereof, but are satisfied that he is guilty of any offence in this section mentioned, then the jury may find him guilty thereof, and he may be punished accordingly.

Rioters injuring buildings, machinery, &c.

Proviso.

Injuries to buildings by tenants.

17. Whosoever, being possessed of any dwelling house or other building, or part of any dwelling-house or other building, held for any term of years or other less term, or at will, or held over after the termination of any tenancy, unlawfully and maliciously pulls down or demolishes, or unlawfully and maliciously begins to pull down or demolish the same or any part thereof, or unlawfully or maliciously pulls down or severs from the freehold any

Tenants of houses, &c., maliciously injuring them.

fixture

fixture being fixed in or to such dwelling-house or building, or part of such dwelling-house or building, is guilty of a misdemeanor.

Injuries to manufactures, machinery, &c.

Destroying goods in process of manufacture, or certain machinery, &c.

18. Whosoever unlawfully and maliciously cuts, breaks or destroys or damages with intent to destroy or to render useless any goods or article of silk, woollen, linen, cotton, hair, mohair, or alpaca, or of any one or more of those materials mixed with each other or mixed with any other material, or any framework-knitted piece, stocking, hose, or lace, being in the loom or frame, or on any machine or engine, or on the rack or tenters, or in any stage, process or progress of manufacture, or unlawfully and maliciously cuts, breaks, or destroys or damages with intent to destroy or render useless any warp or shute of silk, woollen, linen, cotton, hair, mohair, or alpaca, or of any one or more of those materials mixed with each other or mixed with any other material, or unlawfully and maliciously cuts, breaks, or destroys, or damages, with intent to destroy or render useless, any loom, frame, machine, engine, rack, tackle, tool, or implement, whether fixed or moveable, prepared for or employed in carding, spinning, throwing, weaving, fulling, shearing, or otherwise manufacturing or preparing any such goods or articles, or by force enters into any house, shop, building or place, with intent to commit any of the offences in this section mentioned, is guilty of felony, and shall be liable to be imprisoned in the Penitentiary for life or for any term not less than two years, or to be imprisoned in any other gaol or place of confinement for any term less than two years, with or without hard labour, and with or without solitary confinement.

Destroying machines in other manufactures, thrashing machines, &c.

19. Whosoever unlawfully and maliciously cuts, breaks or destroys, or damages with intent to destroy or render useless, any machine or engine, whether fixed or moveable, used or intended to be used for sowing, reaping, mowing, thrashing, ploughing or draining, or for performing any other agricultural operation, or any machine or engine, or any tool or implement, whether fixed or moveable, prepared for or employed in any manufacture whatsoever (except the manufacture of silk, woollen, linen, cotton, hair, mohair, or alpaca goods, or goods of any one or more of those materials mixed with each other or mixed with any other material, or any framework-knitted piece, stocking, hose, or lace), is guilty of felony, and shall be liable to be imprisoned in the Penitentiary for any term not exceeding seven years, and not less than two years, or to be imprisoned in any other gaol or place of confinement for any term less than two years, with or without hard labour, and with or without solitary confinement.

Injury to corn, trees and vegetable productions.

Setting fire to crops of hay, corn, &c.

20. Whosoever unlawfully and maliciously sets fire to any crop of hay, grass, corn, grain, or pulse, or of any cultivated vegetable

vegetable produce, whether standing or cut down, or to any part of any wood, coppice, or plantation of trees, or to any heath, gorse, furze or fern, wheresoever the same may be growing, is guilty of felony, and shall be liable to be imprisoned in the Penitentiary for any term not exceeding fourteen years, and not less than two years, or to be imprisoned in any other gaol or place of confinement for any term less than two years, with or without hard labour, and with or without solitary confinement.

21. Whosoever unlawfully and maliciously sets fire to any stack of corn, grain, pulse, tares, hay, straw, haulm or stubble, or of any cultivated vegetable produce, or of furze, gorse, heath, fern, turf, peat, coals, charcoal, wood, or bark, or to any steer or pile of wood or bark, is guilty of felony, and shall be liable to be imprisoned in the Penitentiary for life, or for any term not less than two years, or to be imprisoned in any other gaol or place of confinement for any term less than two years, with or without hard labour, and with or without solitary confinement. **Setting fire to stacks of corn, &c.**

22. Whosoever unlawfully and maliciously, by any overt act, attempts to set fire to any such matter or thing, as in either of the last two preceding sections mentioned, under such circumstances that if the same were thereby set fire to, the offender would be, under either of such sections, guilty of felony, is guilty of felony, and shall be liable to be imprisoned in the Penitentiary for any term not exceeding seven years, and not less than two years, or to be imprisoned in any other gaol or place of confinement for any term less than two years, with or without hard labour, and with or without solitary confinement. **Attempting to set fire to any crops or stacks of corn, hay, &c.**

23. Whosoever unlawfully and maliciously cuts or otherwise destroys any hop-binds growing on poles in any plantation of hops, or any grape-vines growing in any vineyard, is guilty of felony, and shall be liable to be imprisoned in the Penitentiary for any term not exceeding fourteen years, and not less than two years, or to be imprisoned in any other gaol or place of confinement for any term less than two years, with or without hard labour, and with or without solitary confinement. **Destroying hop-binds, grape-vines, &c.**

24. Whosoever unlawfully and maliciously cuts, breaks, barks, roots up or otherwise destroys or damages the whole or any part of any tree, sapling or shrub, or any underwood growing in any park, pleasure ground, garden, orchard or avenue, or in any ground adjoining or belonging to any dwelling house (in case the amount of the injury done exceeds the sum of five dollars) is guilty of felony, and shall be liable to be imprisoned in the Penitentiary for any term not exceeding three years and not less than two years, or to be imprisoned in any other gaol or place of confinement for any term less than two years, with or without hard labour, and with or without solitary confinement. **Destroying, &c., trees, &c., worth more than $5, growing in a pleasure ground, &c.**

Destroying, &c., trees, shrubs, &c., worth more than $20, growing elsewhere than in a pleasure ground, &c.

25. Whosoever unlawfully and maliciously cuts, breaks, barks, roots up, or otherwise destroys or damages the whole or any part of any tree, sapling or shrub, or any underwood growing in any public street or place or elsewhere than in any park, pleasure ground, garden, orchard or avenue, or in any ground adjoining or belonging to any dwelling-house (in case the amount of injury done exceeds the sum of twenty dollars), is guilty of felony, and shall be liable to be imprisoned in the Penitentiary for any term not exceeding three years and not less than two years, or to be imprisoned in any other gaol or place of confinement for any term less than two years, with or without hard labour, and with or without solitary confinement.

Damaging trees, &c., wheresoever growing to the amount of 25 cents.

26. Whosoever unlawfully and maliciously cuts, breaks, barks, roots up or otherwise destroys or damages the whole or any part of any tree, sapling or shrub, or any underwood, wheresoever the same may be growing, the injury done being to the amount of twenty-five cents at the least, shall, on conviction thereof before any Justice of the Peace, at the discretion of the Justice, either be committed to the common gaol or house or correction, there to be imprisoned only, or to be imprisoned and kept to hard labour, for any term not exceeding one month, or else shall forfeit and pay, over and above the amount of the injury done, such sum of money, not exceeding five dollars, as to the Justice seems meet; and whosoever, having been convicted of any such offence, either

Second offence

against this or any former Act or law, afterwards commits any of the said offences in this section before mentioned, and is convicted thereof in like manner, shall, for such second offence, be liable to be committed to the common gaol or other place of confinement, there to be kept at hard labour, for such term, not exceeding three months, as the convicting Justice thinks fit, or else shall forfeit and pay, over and above the amount of the injury done, such sum of money, not exceeding twenty dollars, as to the

Third offence, &c.

Justice seems meet; and whosoever, having been twice convicted of any such offence (whether both or either of such convictions have taken place before or after the passing of this Act), afterwards commits any of the said offences in this section before mentioned, is guilty of a misdemeanor, and shall be liable to be imprisoned in any gaol or place of confinement, other than a Penitentiary, for any term less than two years, with or without hard labour, and with or without solitary confinement.

Destroying any fruit or vegetable production in a garden, &c.

27. Whosoever unlawfully and maliciously destroys, or damages with intent to destroy, any plant, root, fruit or vegetable production, growing in any garden, orchard, nursery ground, house, hothouse, green-house or conservatory, shall, on conviction thereof before a Justice of the Peace, at the discretion of the Justice, either be committed to the common gaol or other place of confinement, there to be imprisoned only, or to be imprisoned and kept to hard labour, for any term not exceeding three months, or else shall forfeit and pay, over and above the amount of the injury done, such sum of money, not exceeding twenty dollars, as to the

Justice

Justice seems meet; and whosoever, having been convicted of any such offence, either against this or any former Act or law, afterwards commits any of the said offences in this section before mentioned, is guilty of felony, and shall be liable to be imprisoned in the Penitentiary for the term of two years, or to be imprisoned in any other gaol or place of confinement for any term less than two years, with or without hard labour, and with or without solitary confinement. Second offence.

28. Whosoever unlawfully and maliciously destroys, or damages with intent to destroy, any cultivated root or plant used for the food of man or beast, or for medicine, or for distilling, or for dyeing, or for or in the course of any manufacture, and growing in any land, open or inclosed, not being a garden, orchard or nursery ground, shall, on conviction thereof before a Justice of the Peace, at the discretion of the Justice, either be committed to the common gaol or other place of confinement, there to be imprisoned only, or to be imprisoned and kept to hard labour, for any term not exceeding one month, or else shall forfeit and pay, over and above the amount of the injury done, such sum of money, not exceeding five dollars, as to the Justice seems meet; and in default of payment thereof, together with the costs (if ordered), shall be committed as aforesaid, for any term not exceeding one month, unless payment be sooner made; and whosoever, having been convicted of any such offence, either against this or any former Act or law, afterwards commits any of the said offences in this section before mentioned, and is convicted thereof in like manner, shall be committed to the common gaol or other place of confinement, there to be kept to hard labour, for such term, not exceeding three months, as the convicting Justice thinks fit. Destroying, &c., vegetable productions not growing in a garden, &c. Second offence

Injuries to fences.

29. Whosoever unlawfully and maliciously cuts, breaks, throws down, or in anywise destroys any fence of any description whatsoever, or any wall, stile or gate, or any part thereof respectively, shall, on conviction thereof before a Justice of the Peace, for the first offence forfeit and pay, over and above the amount of the injury done, such sum of money, not exceeding five dollars, as to the Justice seems meet; and whosoever, having been convicted of any such offence, either against this or any former Act or law, afterwards commits any of the said offences in this section before mentioned, and is convicted thereof in like manner, shall be committed to the common gaol or other place of confinement, there to be kept to hard labour for such term, not exceeding three months, as the convicting Justice thinks fit. Destroying, &c., any fence, gate, &c. Second offence.

Injuries to mines.

30. Whosoever unlawfully and maliciously sets fire to any mine of coal, cannel coal, anthracite, or other mineral fuel, or to any mine or well of oil or other combustible substance, is guilty of Setting fire to a coal-mine, oil-well, &c.

of felony, and shall be liable to be imprisoned in the Penitentiary for life, or for any term not less than two years, or to be imprisoned in any other gaol or place of confinement for any term less than two years, with or without hard labour, and with or without solitary confinement.

Attempting to set fire to a mine, oil-well, &c.

31. Whosoever unlawfully and maliciously, by any overt act, attempts to set fire to any mine, or to any such oil well, as aforesaid, under such circumstances that if the same were thereby set fire to the offender would be guilty of felony, is guilty of felony, and shall be liable to be imprisoned in the Penitentiary for any term not exceeding fourteen years and not less than two years, or to be imprisoned in any other gaol or place of confinement for any term less than two years, with or without hard labour, and with or without solitary confinement.

Conveying water, earth, rubbish, &c., into a mine, obstructing the shaft. &c.

32. Whosoever unlawfully and maliciously causes any water, earth, rubbish or other substance, to be conveyed or run or fall into any mine, or into any oil well, or into any subterraneous passage communicating therewith, with intent thereby to destroy or damage such mine or well, or to hinder or delay the working thereof, or, with the like intent, unlawfully and maliciously pulls down, fills up, or obstructs or damages with intent to destroy, obstruct, or render useless, any airway, waterway, drain, pit, level or shaft, of or belonging to any mine or well, is guilty of felony, and shall be liable to be imprisoned in the Penitentiary for any term not exceeding seven years and not less than two years, or to be imprisoned in any other gaol or place of confinement for any term less than two years, with or without hard labour, and with or without solitary confinement; Provided that this section shall not extend to any damage committed underground by any owner of any adjoining mine or well in working the same, or by any person duly employed in such working.

Proviso.

Damaging steam-engines, staiths, waggon ways, &c., for working mines.

33. Whosoever unlawfully and maliciously pulls down or destroys, or damages with intent to destroy or render useless any steam engine or other engine for sinking, draining, ventilating, or working, or for in anywise assisting in sinking, draining, ventilating or working any mine or well, or any appliance or apparatus in connection with any such steam or other engine, or any staith, building or erection used in conducting the business of any mine or well, or any bridge, waggon-way or trunk for conveying minerals or oil from any mine or well, whether such engine, staith, building, erection, bridge, waggon-way or trunk, be completed or in an unfinished state, or unlawfully and maliciously stops, obstructs or hinders the working of any such steam or other engine, or of any such appliance or apparatus as aforesaid, with intent thereby to destroy or damage any mine or well, or to hinder, obstruct or delay the working thereof, or unlawfully and maliciously wholly or partially cuts through, severs, breaks, or unfastens, or damages with intent to destroy or render useless any rope, chain or tackle, of whatsoever material the same shall be

be made, used in any mine or well, or in or upon any inclined plane, railway or other way, or other work whatsoever, in anywise belonging or appertaining to or connected with or employed in any mine or well, or the working or business thereof, is guilty of felony, and shall be liable to be imprisoned in the Penitentiary for any term not exceeding seven years and not less than two years, or to be imprisoned in any other gaol or place of confinement for any term less than two years, with or without hard labour, and with or without solitary confinement.

Injuries to sea and river banks, and to works on rivers, canals, &c.

34. Whosoever unlawfully and maliciously breaks down or cuts down, or otherwise damages or destroys any sea bank, sea wall, dyke or aboiteau, or the bank, dam, or wall of or belonging to any river, canal, drain, reservoir, pool or marsh, whereby any land or building is or is in danger of being overflowed or damaged, or unlawfully and maliciously throws, breaks or cuts down, levels, undermines, or otherwise destroys any quay, wharf, jetty, lock, sluice, floodgate, weir, tunnel, towing-path, drain, water-course, or other work belonging to any port, harbour, dock, or reservoir, or on or belonging to any navigable river or canal, or any dam or structure erected to create or utilize any hydraulic power, or any embankment for the support thereof, is guilty of felony, and shall be liable to be imprisoned in the Penitentiary for life or for any term not less than two years, or to be imprisoned in any other gaol or place of confinement for any term less than two years, with or without hard labour, and with or without solitary confinement.

Destroying any sea bank or wall on any canal, dam, &c., used for hydraulic purposes, &c.

35. Whosoever unlawfully and maliciously cuts off, draws up, or removes any piles, stone or other materials fixed in the ground and used for securing any sea bank or sea wall, or the bank, dam or wall of any river, canal, drain, aqueduct, marsh, reservoir, pool, port, harbour, dock, quay, wharf, jetty or lock, or unlawfully and maliciously opens or draws up any floodgate or sluice, or does any other injury or mischief to any navigable river or canal, with intent and so as thereby to obstruct or prevent the carrying on, completing or maintaining the navigation thereof, is guilty of felony, and shall be liable to be imprisoned in the Penitentiary for any term not exceeding seven years and not less than two years, or to be imprisoned in any other gaol or place of confinement for any term less than two years, with or without hard labour, and with or without solitary confinement.

Removing piles of any sea bank, &c., or obstructing navigation of a river or canal.

Injuries to ponds.

36. Whosoever unlawfully and maliciously cuts through, breaks down, or otherwise destroys the dam, floodgate or sluice of any fishpond, or of any water which is private property, or in which there is any private right of fishery, with intent thereby to take or destroy any of the fish in such pond or water, or so as thereby

Breaking down the dam of a fishery, &c., or mill-dam, or poisoning fish.

thereby to cause the loss or destruction of any of the fish, or unlawfully and maliciously puts any lime or other noxious material in any such pond or water, with intent thereby to destroy any of the fish that may then be, or that may thereafter be put therein, or unlawfully and maliciously cuts through, breaks down, or otherwise destroys the dam or floodgate of any millpond, reservoir or pool, is guilty of a misdemeanor, and shall be liable to be imprisoned in the Penitentiary for any term not exceeding seven years and not less than two years, or to be imprisoned in any other gaol or place of confinement for any term less than two years, with or without hard labour, and with or without solitary confinement.

Injuries to bridges, viaducts, and toll-bars.

Injuring a public bridge or viaduct.

37. Whosoever unlawfully and maliciously pulls or throws down, or in any wise destroys, any bridge, (whether over any stream of water or not), or any viaduct or aqueduct, over or under which bridge, viaduct or aqueduct any highway, railway, or canal passes, or does any injury with intent and so as thereby to render such bridge, viaduct or aqueduct, or the highway, railway or canal passing over or under the same, or any part thereof, dangerous or impassable, is guilty of felony, and shall be liable to be imprisoned in the Penitentiary for life or for any term not less than two years, or to be imprisoned in any other gaol or place of confinement for any term less than two years, with or without hard labour, and with or without solitary confinement.

Destroying a turnpike gate, toll house, &c.

38. Whosoever unlawfully and maliciously throws down, levels, or otherwise destroys, in whole or in part, any turnpike gate or toll-bar, or any wall, chain, rail, post, bar or other fence belonging to any turnpike gate or toll-bar, or set up or erected to prevent passengers passing by without paying any toll directed to be paid by any Act or law relating thereto, or any house, building or weighing engine erected for the better collection, ascertainment or security of any such toll, is guilty of a misdemeanor, and shall be liable to be punished by fine or imprisonment, or both in the discretion of the Court.

Injuries to railway carriages and telegraphs.

Placing wood, &c., on railway, or removing rails, &c., with intent to obstruct or overthrow any engine, carriage, &c.

39. Whosoever unlawfully and maliciously puts, places, casts or throws upon or across any railway, any wood, stone, or other matter or thing, or unlawfully and maliciously takes up, removes or displaces any rail, sleeper, or other matter or thing belonging to any railway, or unlawfully and maliciously turns, moves or diverts any point or other machinery belonging to any railway, or unlawfully and maliciously makes or shows, hides or removes any signal or light upon or near to any railway, or unlawfully and maliciously does or causes to be done, any other matter or thing, with intent in any of the cases aforesaid, to obstruct, upset, overthrow, injure or destroy any engine, tender, carriage or truck using

using such railway, is guilty of felony, and shall be liable to be imprisoned in the Penitentiary for life, or for any term not less than two years, or to be imprisoned in any other gaol or place of confinement for any term less than two years, with or without hard labour.

40. Whosoever, by any unlawful act, or by any wilful omission or neglect, obstructs, or causes to be obstructed, any engine or carriage using any railway, or aids or assists therein, is guilty of a misdemeanor, and shall be liable to be imprisoned in any gaol or place of confinement for any term less than two years, with or without hard labour. Obstructing engines or carriages on railways.

41. Whosoever unlawfully and maliciously cuts, breaks, throws down, destroys, injures or removes, any battery, machinery, wire, cable, post, or other matter or thing whatsoever, being part of or being used or employed in or about any electric or magnetic telegraph, or in the working thereof, or unlawfully and maliciously prevents or obstructs in any manner whatsoever, the sending, conveyance or delivery of any communication by any such telegraph, is guilty of a misdemeanor, and shall be liable to be imprisoned in any gaol or place of confinement, other than a Penitentiary, for any term less than two years, with or without hard labour, unless some greater punishment is provided for the offence by any other Act in force, in which case such offender may be indicted and punished under this Act. Injuring electric or magnetic telegraphs.

42. Whosoever unlawfully and maliciously, by any overt act, attempts to commit any of the offences in the last preceding section mentioned, shall, on conviction thereof before a Justice of the Peace, at the discretion of the Justice, either be committed to the common gaol or any other place of confinement, there to be imprisoned only, or to be imprisoned and kept to hard labour, for any term not exceeding three months, or else shall forfeit and pay such sum of money not exceeding fifty dollars as to the Justice seems meet. Attempts to injure such telegraphs.

Injuries to works of art, &c.

43. Whosoever unlawfully and maliciously, destroys or damages any book, manuscript, picture, print, statue, bust or vase, or any other article or thing kept for the purposes of art, science, or literature, or as an object of curiosity, in any musuem, gallery, cabinet, library, or other depository, which museum, gallery, cabinet, library, or other depository is either at all times or from time to time open for the admission of the public or of any considerable number of persons to view the same, either by the permission of the proprietor thereof, or by the payment of money before entering the same, or any picture, statue, monument, or other memorial of the dead, painted glass, or other monument of work of art in any church, chapel, meeting-house or other place of divine worship, or in any building belonging to Her Majesty, or Destroying or damaging works of art in museums, churches, &c., or in public places.

or to any county, riding, city, town, village, parish or place, or to any university, or college or hall of any university, or in any street, square, church-yard, burial-ground, public garden or ground, or any statue or monument exposed to public view, or any ornament, railing or fence surrounding such statue or monument, or any fountain, lamp, post, or other thing of metal, glass, wood or other material in any street, square, or other public place, is guilty of a misdemeanor, and shall be liable to be imprisoned in any gaol or place of confinement for any term not exceeding one year, with or without hard labour; provided that nothing herein contained shall be deemed to affect the right of any person to recover, by action at law, damages for the injury so committed.

Civil remedy saved.

Injuries to cattle, and other animals.

Word "cattle" defined.

44. The word "cattle" wherever used in this Act shall have the meaning assigned to it in the *Act respecting larceny and other similar offences*, passed in the present Session.

Killing or maiming cattle.

45. Whosoever unlawfully and maliciously kills, maims, wounds, poisons or injures any cattle, is guilty of felony, and shall be liable to be imprisoned in the Penitentiary for any term not exceeding fourteen years and not less than two years, or to be imprisoned in any other gaol or place of confinement, for any term less than two years, with or without hard labour, and with or without solitary confinement.

Wantonly attempting to poison cattle, &c.

46. Whosoever unlawfully and maliciously attempts to kill, maim, wound, poison or injure any cattle, or unlawfully and maliciously places poison in such a position as to be easily partaken of by any cattle, is guilty of a misdemeanor, and shall be liable to be punished by fine or imprisonment, or both, at the discretion of the Court.

Killing or maiming other animals.

47. Whosoever unlawfully and maliciously kills, maims, wounds, poisons or injures any dog, bird, beast, or other animal, not being cattle, but being either the subject of larceny at common law, or being ordinarily kept in a state of confinement, or kept for any domestic purpose, or purpose of lawful profit or advantage, or science, shall, on conviction thereof before a Justice of the Peace, at the discretion of the Justice, either be committed to the common gaol or any other place of confinement, there to be imprisoned only, or to be imprisoned and kept to hard labour, for any term not exceeding three months, or else shall forfeit and pay, over and above the amount of the injury done, such sum of money not exceeding one hundred dollars as to the Justice seems meet; and whosoever, having been convicted of any such offence, afterwards commits any of the said offences in this section before mentioned, and is convicted thereof upon indictment, is guilty of a misdemeanor, and shall be liable to be punished by fine or imprisonment, or both, in the discretion of the Court; Provided always

Second offence.

Proviso

always that the prosecutor may, if he sees fit, proceed before a Justice of the Peace as for a first offence.

Injuries to ships

48. Whosoever unlawfully and maliciously sets fire to, casts away, or in anywise destroys any ship or vessel, whether the same be complete or in an unfinished state, is guilty of felony, and shall be liable to be imprisoned in the Penitentiary for life or for any term not less than two years, or to be imprisoned in any other gaol or place of confinement, for any term less than two years, with or without hard labour, and with or without solitary confinement. **Setting fire to, casting away or destroying a ship.**

49. Whosoever unlawfully and maliciously sets fire to, or casts away, or in anywise destroys any ship or vessel, with intent thereby to prejudice any owner or part owner of such ship or vessel, or of any goods on board the same, or any person that has underwritten, or may underwrite any policy of insurance upon such ship or vessel, or on the freight thereof, or upon any goods on board the same, is guilty of felony, and shall be liable to be imprisoned in the Penitentiary for life or for any term not less than two years, or to be imprisoned in any other gaol or place of confinement for any term less than two years, with or without hard labour, and with or without solitary confinement. **Setting fire to ships to prejudice the owner or underwriters.**

50. Whosoever unlawfully and maliciously, by any overt act, attempts to set fire to, cast away, or destroy any ship or vessel under such circumstances that if the ship or vessel were thereby set fire to, cast away or destroyed, the offender would be guilty of felony, is guilty of felony, and shall be liable to be imprisoned in the Penitentiary for any term not exceeding fourteen and not less than two years, or to be imprisoned in any other gaol or place of confinement for any term less than two years, with or without hard labour, and with or without solitary confinement. **Attempting to set fire to a vessel.**

51. Whosoever unlawfully and maliciously places or thows in, into, upon, against or near any ship or vessel any gunpowder or other explosive substance, with intent to destroy or damage any ship or vessel, or any machinery, working-tools, goods, or chattels, whether or not any explosion takes place, and whether or not any injury is effected, is guilty of felony, and shall be liable to be imprisoned in the Penitentiary for any term not exceeding fourteen and not less than two years,—or to be imprisoned in any other gaol or place of confinement for any term less than two years, with or without hard labour, and with or without solitary confinement. **Placing gunpowder near a vessel with intent to damage it.**

52. Whosoever unlawfully and malicously damages, otherwise than by fire, gunpowder or other explosive substance, any ship or vessel, whether complete or in an unfinished state, with intent to destroy the same, or render the same useless, is guilty of felony, and **Damaging ships otherwise than by fire.**

and shall be liable to be imprisoned in the Penitentiary for any term not exceeding seven years and not less than two years; or to be imprisoned in any other gaol or place of confinement for any term less than two years, with or without hard labour, and with or without solitary confinement.

Exhibiting false signals, &c., or doing acts of like nature for which no other punishment is provided.

53. Whosoever unlawfully masks, alters, or removes any light or signal, or unlawfully exhibits any false light or signal, with intent to bring any ship, vessel, or boat into danger, or unlawfully and maliciously does any thing tending to the immediate loss or destruction of any ship, vessel, or boat, and for which no punishment is hereinbefore provided, is guilty of felony, and shall be liable to be imprisoned in the Penitentiary for life, or for any term not less than two years, or to be imprisoned in any other gaol or place of confinement for any term less than two years, with or without hard labour, and with or without solitary confinement.

Removing, defacing or concealing buoys and other sea marks.

54. Whosoever unlawfully and maliciously cuts away, casts adrift, removes, alters, defaces, sinks or destroys, or unlawfully and maliciously does any act with intent to cut away, cast adrift, remove, alter, deface, sink or destroy, or in any other manner unlawfully and maliciously injures or conceals any boat, buoy, buoy-rope, perch or mark used or intended for the guidance of seamen, or the purpose of navigation, is guilty of felony, and shall be liable to be imprisoned in the Penitentiary for any term not exceeding seven years, and not less than two years, or to be imprisoned in any other gaol or place of confinement for any term less than two years, with or without hard labour, and with or without solitary confinement.

Penalty for making vessels fast to buoys, beacons, &c.

55. Whosoever makes fast any vessel or boat to any such buoy, beacon or sea mark, shall, on conviction thereof before any Justice of the Peace, forfeit a sum not exceeding ten dollars, and in default of payment, shall be liable to be imprisoned in any gaol or place of confinement for any term not exceeding one month.

Cutting booms or rafts adrift.

56. Whosoever unlawfully and maliciously cuts or loosens any boom on any river, or other water, or breaks or cuts loose any raft or crib of timber or saw-logs, is guilty of a misdemeanor, and shall be liable to be punished by fine and imprisonment for not less than two years, or both, in the discretion of the Court.

Destroying wrecks or any article belonging thereto.

57. Whosoever unlawfully and maliciously destroys any part of the ship or vessel in distress, or wrecked, stranded, or cast on shore, or any goods, merchandise, or articles of any kind belonging to such ship or vessel, is guilty of felony, and shall be liable to be imprisoned in the Penitentiary for any term not exceeding fourteen years and not less than two years, or to be imprisoned in any other gaol or place of confinement for any term less than two years, with or without hard labour, and with or without solitary confinement.

Sending

Sending letters threatening to burn and destroy.

58. Whosoever sends, delivers or utters, or directly or indirectly causes to be received, knowing the contents thereof, any letter or writing threatening to burn or destroy any house, barn or other building, or any rick or stack of grain, hay, or straw, or other agricultural produce, or any grain, hay or straw, or other agricultural produce, in or under any building, or any ship or vessel, or to kill, maim, wound, poison or injure any cattle, is guilty of felony, and shall be liable to be imprisoned in the Penitentiary for any term not exceeding ten years and not less than two years, or to be imprisoned in any other gaol or place of confinement for any term less than two years, with or without hard labour, and with or whithout solitary confinement.

Sending letters threatening to burn or destroy houses, buildings, ships, agricultural produce, &c.

Injuries not before provided for.

59. Whosoever unlawfully and maliciously commits any damage, injury or spoil to or upon any real or personal property whatsoever, either of a public or a private nature, for which no punishment is hereinbefore provided, the damage, injury or spoil being to an amount exceeding twenty dollars, is guilty of a misdemeanor, and shall be liable to be imprisoned in the Penitentiary for any term not exceeding five years and not less than two years, or to be imprisoned in any other gaol or place of confinement for any term less than two years, with or without hard labour.

Committing malicious injuries, not before provided for, exceeding the amount of $20.

60. Whosoever unlawfully or maliciously commits any damage, injury or spoil to or upon any real or personal property whatsoever, either of a public or private nature, for which no punishment is hereinbefore provided, shall, on conviction thereof before a Justice of the Peace, forfeit and pay such sum of money not exceeding twenty dollars, as to the Justice seems meet, and also such further sum of money as appears to the Justice to be a reasonable compensation for the damage, injury, or spoil, so committed, not exceeding the sum of twenty dollars; which last mentioned sum of money shall, in the case of private property, be paid to the party aggrieved; and in the case of property of a public nature, or wherein any public right is concerned, the money shall be applied in the same manner as every penalty imposed by a Justice of the Peace under this Act; and if such sums of money, together with the costs (if ordered), are not paid, either immediately after the conviction, or within such period as the Justice shall at the time of the conviction appoint, the Justice may commit the offender to the common gaol or other place of confinement, there to be imprisoned only, or to be imprisoned and kept to hard labour, as the Justice thinks fit, for any term not exceeding two months, unless such sum and costs be sooner paid; Provided that nothing herein contained shall extend to any case where the party acted under a fair and reasonable supposition that he had a right to do the act complained of, nor to any trespass, not being wilful and malicious, committed in hunting, fishing, or in the pursuit of game, but

Committing damage, not previously provided for, and not exceeding $20.

Application of money awarded.

Not to extend to certain cases.

but every such trespass shall be punishable in the same manner as if this Act had not been passed.

Section 60 to extend to trees.

61. The provisions in the last preceding section contained shall extend to any person who unlawfully or maliciously commits any injury to any tree, sapling, shrub or underwood, for which no punishment is hereinbefore provided.

Making gunpowder to commit offences, and searching for the same.

Making or having gunpowder, &c. with intent to commit any felony against this Act.

62. Whosoever makes or manufactures, or knowingly has in his possession any gunpowder or other explosive substance, or any dangerous or noxious thing, or any machine, engine, instrument or thing, with intent thereby, or by means thereof to commit, or for the purpose of enabling any other person to commit any of the felonies in this Act mentioned, is guilty of a misdemeanor, and shall be liable to be imprisoned in any gaol or place of confinement, for any term less than two years, with or without hard labour, and with or without solitary confinement.

Justices may issue warrants for searching houses, &c., for such gunpowder, &c.

63. Any Justice of the Peace of any district, county or place, in which any machine, engine, implement or thing, or any gunpowder or other explosive, dangerous, or noxious substance is suspected to be made, kept or carried, for the purpose of being used for committing any of the felonies in this Act mentioned, upon reasonable cause assigned upon oath by any person, may issue a warrant, under his hand and seal, for searching in the daytime, any house, mill, magazine, storehouse, warehouse, shop, cellar, yard, wharf or other place, or any carriage, waggon, cart, ship, boat or vessel, in which the same is suspected to be made, kept or carried for such purpose as hereinbefore mentioned; and every person acting in the execution of any such warrant may seize any gunpowder, explosive substance, or any dangerous or noxious thing, or any machine, engine or instrument or thing which he has good cause to suspect is intended to be used in committing or enabling any other person to commit any offence against this Act, and with all convenient speed after the seizure shall remove the same to such proper place as he thinks fit, and detain the same until ordered, by a Judge of one of Her Majesty's Superior Courts of Criminal Jurisdiction, to restore it to the person who may claim the same.

Searcher or seizer not to be liable to suit.

64. The searcher or seizer shall not be liable to any suit for such detainer, or for any loss of or damage which may happen to the property other than by the wilful act or neglect of himself or of the persons whom he intrusts with the keeping thereof.

In cases of conviction, how such articles shall be disposed of.

65. Any gunpowder, explosive substance or dangerous or noxious thing, or any machine, engine, instrument or thing intended to be used in committing or enabling any other person to commit any offence against this Act, and seized and taken possession of under the provisions hereof, shall, in the event of the

person

person in whose possession the same may be found, or of the owner thereof being convicted for any offence under this Act, be forfeited; and the same shall be sold under the direction of the Court before which any such person is convicted, and the proceeds thereof shall belong to the Province in which the offender is convicted, and shall be paid to the chief financial officer thereof for the use of such Province.

Other matters.

66. Every punishment and forfeiture by this Act imposed on any person maliciously committing any offence, whether the same be punishable upon indictment or upon summary conviction, shall equally apply and be enforced, whether the offence be committed from malice conceived against the owner of the property in respect of which it shall be committed, or otherwise. **Malice against owner unnecessary.**

67. Every provision of this Act not hereinbefore so applied, shall apply to every person who, with intent to injure or defraud any person, does any of the acts hereinbefore made penal, although the offender be in possession of the property against or in respect of which such act is done. **Act to apply to persons in possession of property injured.**

68. It shall be sufficient in any indictment for any offence against this Act, where it is necessary to allege an intent to injure or defraud, to allege that the party accused did the act with intent to injure or defraud (as the case may be) without alleging an intent to injure or defraud any particular person; and on the trial of any such offence it shall not be necessary to prove an intent to injure or defraud any particular person, but it shall be sufficient to prove that the party accused did the act charged with an intent to injure or defraud, as the case may be. **Intent to injure particular persons need not be stated in indictment.**

69. Any person found committing any offence against this Act, whether the same be punishable upon indictment or upon summary conviction, may be immediately apprehended, without a warrant, by any peace officer, or the owner of the property injured, or his servant, or any person authorized by him, and forthwith taken before some neighboring Justice of the Peace, to be dealt with according to law. **Persons in act of committing offence may be apprehended.**

70. Whosoever aids, abets, counsels or procures the commission of any offence which is by this Act punishable on summary conviction, either for every time of its commission, or for the first and second time only, or for the first time only, shall, on conviction before a Justice of the Peace, be liable for every first, second, or subsequent offence, of aiding, abetting, counselling or procuring, to the same forfeiture and punishment to which a person guilty of a first, second, or subsequent offence as a principal offender is by this Act made liable. **Abettors in offences punishable on summary conviction.**

If a person summarily convicted does not pay the fine imposed, &c., the Justice may commit him.

71. In every case of a summary conviction under this Act, where the sum forfeited for the amount of the injury done, or imposed as a penalty by the Justice, is not paid, either immediately after the conviction or within such period as the Justice shall, at the time of the conviction, appoint, the convicting Justice (unless where otherwise specially directed) may commit the offender to the common gaol or other place of confinement, there to be imprisoned only, or to be imprisoned and kept to hard labour, according to the discretion of the Justice, for any term not exceeding two months, where the amount of the sum forfeited or of the penalty imposed, or of both (as the case may be), together with the costs, does not exceed twenty dollars; and for any term not exceedings three months when the amount, with costs, exceeds twenty dollars; the commitment to be determinable in each of the cases aforesaid upon payment of the amount and costs.

Justice may discharge offender in certain cases.

72. Where any person is summarily convicted before a Justice of the Peace of any offence against this Act, and it is a first conviction, the Justice may, if he so thinks fit, discharge the offender from his conviction, upon his making such satisfaction to the party aggrieved, for damages and costs, or either of them, as shall be ascertained by the Justice.

Summary conviction a bar to any other proceedings.

73. When any person convicted of any offence punishable upon summary conviction by virtue of this Act, has paid the sum adjudged to be paid, together with costs, under such conviction, or has received a remission thereof from the Crown, or has suffered the imprisonment awarded for non-payment thereof, or the imprisonment awarded in the first instance, or has been so discharged from his conviction by any Justice as aforesaid, he shall be released from all further or other proceedings for the same cause.

Fine and sureties for keeping the peace; in what cases.

74. Whenever any person is convicted of any indictable misdemeanor punishable under this Act, the Court may, if it think fit, in addition to or in lieu of any of the punishments by this Act authorized, fine the offender, and require him to enter into his own recognizances, and to find sureties, both or either, for keeping the peace and being of good behaviour; and in case of any felony punishable under this Act, the Court may, if it thinks fit, require the offender to enter into his own recognizances, and to find sureties, both or either, for keeping the peace, in addition to any punishment by this Act authorized; Provided that no person shall be imprisoned under this section for not finding sureties, for any period exceeding one year.

Proviso.

Summary proceedings, how regulated.

75. Every offence hereby made punishable on summary conviction may be prosecuted in the manner directed by the Act of this Session *respecting the duties of Justices of the Peace out of Sessions in relation to summary convictions and orders*, so far as no provision is hereby made for any matter or thing which may be required to be done in the course of such prosecution.

76.

76. This Act shall commence and take effect on the first day of January, one thousand eight hundred and seventy. Commencement of Act.

CAP. XXIII.

An Act respecting Perjury.

[*Assented to 22nd June*, 1869.]

WHEREAS it is expedient to assimilate, amend and consolidate the Statute Law relating to Perjury, in force in the several Provinces of Quebec, Ontario, Nova Scotia, and New Brunswick, and to extend the same as so consolidated to all Canada: Therefore, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— Preamble.

1. Perjury or subornation of perjury is a misdemeanor; and any person guilty thereof shall be liable to be imprisoned in the Penitentiary for any term not exceeding fourteen years and not less than two years, or to be imprisoned in any other gaol or place of confinement, for any term less than two years, and to pay such fine as the Court may award. Perjury a misdemeanor: and how punishable.

2. In every case in which, by any Act or Law now or hereafter to be in force in the Dominion of Canada, or in any Province forming part of the Dominion of Canada, it is required or authorized that facts, matters or things be verified, or otherwise assured or ascertained, by or upon the oath, affirmation, declaration or affidavit of some or any person, if any person having in any such case taken or made any oath, affirmation or declaration so required or authorized, knowingly, wilfully and corruptly, upon such oath, affirmation or declaration, deposes, swears to or makes any false statement as to any such fact, matter or thing,—or if any person knowingly, wilfully and corruptly, upon oath or affirmation, affirms, declares, or deposes to the truth of any statement for so verifying, assuring or ascertaining any such fact, matter or thing, or purporting so to do,—or knowingly, wilfully and corruptly takes, makes, signs or subscribes any such affirmation, declaration or affidavit, as to any such fact, matter or thing, such statement, affidavit, affirmation or declaration being untrue, in the whole or any part thereof,—or knowingly, wilfully and corruptly omits from any such affidavit, affirmation or declaration, sworn or made under the provisions of any law, any matter which, by the provisions of such law, is required to be stated in such affidavit, affirmation or declaration,—such person shall be deemed to be guilty of wilful and corrupt perjury, and be punished accordingly; Provided that nothing herein contained shall affect any case amounting to perjury at the Common Law, or the case of any offence in respect of which other or special provision is made by any Act. Making, &c., false oaths, declarations, &c., under any Act to be perjury. Proviso: as to perjury at common law.

3.

Trial, punishment, &c., for making false affidavits, &c., to be used in Canada.

3. Any person who wilfully and corruptly makes any false affidavit, affirmation, or declaration out of Canada, or out of any Province of Canada, before any functionary authorized to take the same for the purpose of being used in Canada, or in such Province, shall be deemed guilty of perjury, in like manner as if such false affidavit, affirmation or declaration had been made in Canada, or in such Province, before competent authority; and such person may be dealt with, indicted, tried and if convicted, be sentenced, and the offence may be laid and charged to have been committed, in that district, county or place where he has been apprehended or is in custody.

Perjuries in Insurance cases.

Before whom affidavits &c., to be used in Insurance cases may be made.

4. Any affirmation, affidavit, or declaration required by any Fire, Life, or Marine Insurance Company, authorized by law to do business in Canada, in regard to any loss of property or life insured or assured therein, may be taken before any Commissioner, authorized by any of Her Majesty's Superior Courts, to take affidavits, or before any Justice of the Peace, or before any Notary Public for any Province of the Dominion; and any such officer is hereby required to take such affirmation, affidavit or declaration.

Any wilfully false statement therein to be perjury.

5. Any person, knowingly, wilfully, and corruptly making any affirmation, affidavit, or declaration, required by any Fire, Life or Marine Insurance Company authorized by law to do business in Canada, claiming to be entitled to any Insurance money in respect of any loss of property or life insured or assured therein, or on behalf of any person making such claim containing any false statement of fact, matter or thing in regard to such loss of property or life, shall be guilty of wilful and corrupt perjury.

Any Judge may direct that a person guilty of perjury before him be prosecuted.

6. It shall be lawful for any Judge of any Superior Court of Law or Equity, or for any Judge of any Court of Record, or any Commissioner before whom any inquiry or trial is held, and which he is by law required or authorized to hold, in case it appears to him that any person has been guilty of wilful and corrupt perjury in any evidence given, or in any affidavit, affirmation, declaration, deposition, examination, answer or other proceedings made or taken before him, to direct such persons to be prosecuted for such perjury, in case there appears to such Judge or Commissioner a reasonable cause for such prosecution, and to commit such person so directed to be prosecuted until the next term, sittings or session of any Court having power to try for perjury, in the jurisdiction within which such perjury was committed, or to permit such person to enter into a recognizance with one or more sufficient surety or sureties conditioned for the appearance of such person, at such next term or session, and that he will then surrender and take his trial and not depart the Court without leave, and to require any person such Judge may think fit, to enter into a recognizance conditioned to prosecute or give evidence against such person so directed to be prosecuted as aforesaid.

7. All evidence and proof whatsoever, whether given or made orally, or by or in any affidavit, affirmation, declaration, examination or deposition, shall be deemed and taken to be material with respect to the liability of any person to be proceeded against and punished for wilful and corrupt perjury, or for subornation of perjury.

All evidence material with respect to perjury.

8. Any person accused of perjury may be tried, convicted and punished in any district, county or place where he is apprehended or is in custody.

Venue in cases of perjury.

9. In any indictment for perjury, or for unlawfully, illegally, falsely, fraudulently, deceitfully, maliciously or corruptly, taking, making, signing or subscribing any oath, affirmation, declaration, affidavit, deposition, bill, answer, notice, certificate or other writing, it shall be sufficient to set forth the substance of the offence charged upon the defendant, and by what Court or before whom the oath, affirmation, declaration, affidavit, deposition, bill, answer, notice, certificate or other writing was taken, made, signed or subscribed, without setting forth the bill, answer, information, indictment, declaration, or any part of any proceeding either in law or equity, and without setting forth the commission or authority of the Court or person before whom such offence was committed.

Form of indictment in perjury.

10. In every indictment for subornation of perjury, or for corrupt bargaining or contracting with any person to commit wilful and corrupt perjury, or for inciting, causing or procuring any person unlawfully, wilfully, falsely, fraudulently, deceitfully, maliciously or corruptly, to take, make, sign or subscribe any oath, affirmation, declaration, affidavit, deposition, bill, answer, notice, certificate, or other writing, it shall be sufficient, whenever such perjury or other offence aforesaid has been actually committed, to allege the offence of the person who actually committed such perjury or other offence, in the manner hereinbefore mentioned, and then to allege that the defendant unlawfully, wilfully and corruptly, did cause and procure the said person, the said offence in manner and form aforesaid to do and commit; and whenever such perjury or other offence aforesaid has not actually been committed, it shall be sufficient to set forth the substance of the offence charged upon the defendant, without setting forth or averring any of the matters or things hereinbefore rendered unnecessary to be set forth or averred in the case of wilful and corrupt perjury.

Form of indictment for subornation of perjury.

11. A certificate, containing the substance and effect only (omitting the formal part) of the indictment and trial for any felony or misdemeanor, purporting to be signed by the Clerk of the Court or other officer having the custody of the records of the Court whereat the indictment was tried, or among which such indictment has been filed, or by the deputy of such clerk or other officer, shall, upon trial of an indictment for perjury or subornation

Certificate of trial at which a perjury was committed, to be sufficient.

tion of perjury, be sufficient evidence of the trial of such indictment for felony or misdemeanor, without proof of the signature or official character of the person appearing to have signed the same.

Commencement of Act.

12. This Act shall commence and take effect on the first day of January, one thousand eight hundred and seventy.

CAP. XXIV.

An Act for the better preservation of the Peace in the vicinity of Public Works.

[*Assented to 22nd June,* 1869.]

Preamble.

FOR the preservation of the peace, and for the protection of the lives, persons and property of Her Majesty's subjects, in the neighbourhood of public works on which large bodies of labourers are congregated and employed: Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

Proclamation may be issued, declaring this Act to apply to any place or places in Canada.

1. The Governor in Council may, as often as occasion requires, declare by Proclamation that upon and after a day therein named, this Act shall be in force in any place or places in Canada therein designated, within the limits or in the vicinity whereof any Railway, Canal or other public work is in progress of construction, or such places as are in the vicinity of any such Canal or Railway or other work as aforesaid, within which he deems it necessary that this Act should be in force,—and this Act shall, upon and after the day to be named in any such Proclamation, take effect within the places designated in such Proclamation:

May be revoked and again renewed.

2. The Governor in Council may, in like manner, from time to time, declare this Act to be no longer in force in any of such place or places; and may again from time to time declare the same to be in force therein;

Proviso.

3. But no such Proclamation shall have effect within the limits of any City.

Effect of proclamation. Persons employed on the works not to keep arms.

2. Upon and after the day to be fixed for such purpose in such Proclamation, no person employed upon or about any such Canal, Railway or other work as aforesaid, within the place or places in which this Act is then in force, shall keep or have in his possession or under his care or control, within any such place, any gun or other fire-arm, or air-gun or any part thereof, or any sword, sword blade, bayonet, pike, pikehead, spear, spearhead, dirk, dagger, or other instrument intended for cutting or stabbing, or any steel or metal knuckles, or other deadly or dangerous weapon, under a penalty of not less than two dollars, nor more than four dollars, for every such weapon found in his possession.

3.

3. On or before the day appointed as aforesaid in such Proclamation, every person employed on or about the Canal, Railway or other work to which the same relates, shall bring and deliver up to some Commissioner or Officer to be appointed for the purposes of this Act, every such weapon in his possession, and shall obtain from such Commissioner or Officer a receipt for the same. Delivery of arms to Commissioner, &c.

4. When this Act ceases to be in force within the place where any weapon has been delivered and detained in pursuance thereof, or when the owner or person lawfully entitled to any such weapon satisfies the Commissioner that he is about to remove immediately from the limits within which this Act is at the time in force, the Commissioner may deliver up to the owner or person authorized to receive the same, any such weapon, on production of the receipt so given for it. Return of the same when the Act ceases to be in force, &c.

5. Every such weapon found in the possession of any person employed as aforesaid, after the day named in any Proclamation as that on or before which such weapon ought to be delivered up, and within the limits designated in the Proclamation bringing this Act into force, may be seized by any Justice, Commissioner, Constable or other Peace Officer, and shall be forfeited to the use of Her Majesty. Seizure of arms not delivered.

6. If any person, for the purpose of defeating this Act, receives or conceals, or aids in receiving or concealing, or procures to be received or concealed, within any place where this Act is at the time in force, and such weapon as aforesaid belonging to or in the custody of any person employed on or about any such Railway, Canal or other work, such person shall forfeit a sum of not less than forty dollars nor more than one hundred dollars; one half to belong to the informer, and the other half to Her Majesty. Concealing arms, unlawfully.

7. Any Commissioner appointed under this Act, or any Justice of the Peace having authority within the place where this Act is at the time in force, upon the oath of a credible witness that he believes that any such weapon as aforesaid is in the possession of any person or in any house or place contrary to the provisions of this Act, may issue his warrant to any Constable or Peace Officer to search for and seize the same, and he, or any person in his aid, may search for and seize the same in the possession of any person, or in any such house or place: Search for arms, unlawfully concealed.

2. In case admission to any such house or place be refused after demand, such Constable or Peace Officer, and any person in his aid, may enter the same by force by day or by night, and seize any such weapon and deliver it to such Commissioner; and unless the party in whose possession or in whose house or premises the same has been found, do, within four days next after the seizure, prove to the satisfaction of such Commissioner or Justice that the weapon so seized was not in his possession or in his house Right of entry for search. Forfeiture of arms found.

house or place contrary to the meaning of this Act, such weapon shall be forfeited to the use of Her Majesty.

Carrying arms,—persons unlawfully so doing may be arrested.

8. Any Commissioner or Justice, Constable or Peace Officer, or any person acting under a warrant, in aid of any Constable or Peace Officer, may arrest and detain any person employed on any such railway, canal, or other work, found carrying any such weapon as aforesaid, within any place where this Act is at the time in force, at such time and in such manner as in the judgment of such Commissioner, Justice, Constable or Peace Officer, or person acting under a warrant, affords just cause of suspicion that they are carried for purposes dangerous to the public peace; and the act of so carrying any such weapon by any person so employed shall be a misdemeanor, and the Justice or Commissioner arresting such person, or before whom he is brought under such a warrant, may commit him for trial for a misdemeanor, unless he gives sufficient bail for his appearance at the next term or sitting of the Court before which the offence can be tried, to answer to any indictment to be then preferred against him.

Committal if bail be not given.

Monthly return.

9. Every Commissioner under this Act shall make a monthly return to the proper authority of all weapons delivered to him, and by him detained under this Act.

Sale of forfeited arms.

10. All weapons declared forfeited under this Act shall be sold or destroyed under the direction of the Commissioner by whom or by whose authority the same were seized, and the proceeds of such sale, after deducting necessary expenses, shall be received by such Commissioner and paid over by him to the Receiver General for the public uses of the Dominion.

Sale of liquors prohibited.

11. Upon and after the day to be fixed in such Proclamation, and during such period as the Proclamation may remain in force, no person shall at any place within the limits specified in such Proclamation barter, sell, exchange or dispose of directly or indirectly to any other person, any alcoholic, spirituous, vinous, fermented or other intoxicating liquor, or any mixed liquor, a part of which is spirituous, or vinous, fermented or otherwise intoxicating,—nor shall expose, keep or have in his possession for sale, barter or exchange, any intoxicating liquor:

Proviso.

2. But this section shall not extend to any person selling intoxicating liquors by wholesale, and not retailing the same, if such person be a licensed Distiller or Brewer.

Penalty for contravention.

12. Any person who, in contravention of the next preceding section, by himself, his clerk, servant or agent, exposes or keeps for sale or barters, or sells, disposes of, gives or exchanges for any other matter or thing, to any other person, any intoxicating liquor, shall be liable to a fine of twenty dollars on the first conviction, forty dollars on the second, and on the third and every subsequent

subsequent conviction, to such last mentioned fine and imprisonment for a period not more than six months.

13. If any clerk, servant or agent, or other person in the employment or on the premises of another, sells, disposes of, or exchanges for any other matter or thing, or assists in selling, disposing of, or exchanging for any other matter or thing, any intoxicating liquor, in contravention of this Act, for the person in whose service or on whose premises he is, he shall be held equally guilty with the principal, and shall suffer the like penalty. **Agent selling to incur the same penalty as principal.**

14. If any three credible persons make oath or affirmation before any Commissioner, or Justice of the Peace, that they have reason to believe and do believe that any intoxicating liquor intended for sale or barter in contravention of this Act, is kept or deposited in any steamboat or other vessel, or in any carriage or vehicle, or in any store, shop, warehouse, or other building or premises at any place within which such intoxicating liquor is by Proclamation under this Act prohibited to be sold or bartered or kept for sale or barter, or on any river, lake or water adjoining such place, the Commissioner or Justice shall issue his Warrant of Search to any Sheriff, Police Officer, Bailiff or Constable, who shall forthwith proceed to search the steamboat, vessel, premises or place described in such Warrant, and if any intoxicating liquor be found therein, he shall seize the same, and the barrels, casks or other packages in which it is contained, and convey them to some proper place of security, and there keep them until final action is had thereon; but no dwelling house in which, or in part of which a shop or bar is not kept, shall be searched, unless one at least of the said complainants testifies on oath to some act of sale of intoxicating liquor therein or therefrom, in contravention of this Act, within one month of the time of making the said complaint: **Search for and seizure of liquor, on information and warrant.** **Proviso: where there is no shop or bar.**

2. The owner or keeper of the liquor seized as aforesaid, if he is known to the Officer seizing the same, shall be summoned forthwith before the Commissioner or Justice by whose warrant the liquor was seized, and if he fails to appear, and it appears to the satisfaction of such Commissioner or Justice, that the said liquor was kept or intended for sale or barter, in contravention of this Act, it shall be declared forfeited with any package in which it is contained, and shall be destroyed by authority of the written order to that effect of the said Commissioner or Justice, and in his presence, or in the presence of some person appointed by him to witness the destruction thereof, and who shall join with the officer by whom the said liquor has been destroyed, in attesting that fact upon the back of the order by authority of which it was done; And the owner or keeper of such liquor shall pay a fine of forty dollars and costs, or be committed to prison for three months in default thereof. **Forfeiture of liquor, and proceedings for that purpose.**

15.

In case the owner be unknown.

15. If the owner, keeper or possessor of liquor seized under the next preceding section is unknown to the officer seizing the same, it shall not be condemned and destroyed until the fact of such seizure has been advertised, with the number and description of the package as near as may be, for two weeks, by posting up a written or printed notice and description thereof in at least three public places of the place where it was seized;

Delivery back to owner, in certain cases.

2. And if it is proved within such two weeks, to the satisfaction of the Commissioner or Justice by whose authority such liquor was seized, that it was not intended for sale or barter in contravention of this Act, it shall not be destroyed, but shall be delivered to the owner, who shall give his receipt therefor upon the back of the Warrant, which shall be returned to the said Commissioner or Justice who issued the same; but if after such advertisement as aforesaid, it appears to such Commissioner, or Justice, that such liquor was intended for sale or barter, in contravention of this Act, then such liquor, with any package in which it is contained, shall be condemned, forfeited, and destroyed.

Forfeiture in other cases.

Money paid for liquor may be recovered back.

16. Any payment or compensation for liquor sold or bartered in contravention of this Act, whether in money or securities for money, labor or property of any kind, shall be held to have been criminally received without consideration, and against law, equity and good conscience, and the amount or value thereof may be recovered from the receiver by the party making, paying or furnishing the same; and all sales, transfers, conveyances, liens and securities of every kind which either in whole or in part have been given for or on account of intoxicating liquor sold or bartered in contravention of this Act, shall be null against all persons, and no right shall be acquired thereby, and no action of any kind shall be maintained either in whole or in part for or on account of intoxicating liquor sold or bartered in contravention of this Act.

And securities given for the same to be void.

Procedure and powers of the Commissioner or Justice.

17. Any Commissioner or Justice of the Peace may hear and determine in a summary manner any case arising within his jurisdiction under this Act; and every person making complaint against any other person for contravening this Act, or any part or portion thereof, before such Commissioner or Justice, may be admitted as a witness; and if the Commissioner or Justice before whom the examination or trial is had, so orders, as he may if he thinks there was probable cause for the prosecution, the defendant shall not recover costs though the prosecution fails.

Procedure; certain acts to apply to cases under this Act.

18. All the provisions of any Law respecting the duties of Justices of the Peace in relation to summary convictions and orders, and to appeals from such convictions, and for the protection of Justices of the Peace when acting as such, or to facilitate proceedings by or before them, in matters relating to summary convictions and orders, shall in so far as they are not inconsistent with

with this Act, apply to every Commissioner or Justice mentioned in this Act or empowered to try offenders against this Act, and any such Commissioner shall be deemed a Justice of the Peace within the meaning of any such Law, whether he be or be not a Justice of the Peace for other purposes.

19. Any action brought against any Commissioner or Justice, Constable, Peace Officer, or other person, for any thing done in pursuance of this Act, must be commenced within six months next after the fact; and the venue shall be laid or the action instituted in the District or County or place where the fact was committed, and the Defendant may plead the general issue and give this Act and the special matter in evidence; and if such action is brought after the time limited, or the venue is laid or the action brought in any other District, County or place than as above prescribed, the judgment or verdict shall be given for the Defendant; and in such case, or if the judgment or verdict is given for the Defendant on the merits, or if the Plaintiff becomes nonsuit or discontinues after appearance is entered, or has judgment rendered against him on demurrer, the Defendant shall be entitled to recover double costs. **Limitation of actions against persons acting under this Act.**

20. No action or other proceeding, Warrant, Judgment, Order or other instrument or Writing, authorized by this Act, or necessary to carry out its provisions, shall be held void, or be allowed to fail for defect of form. **Defect of form not to make proceedings void.**

21. In this Act the word "Commissioner" means a Commissioner under this Act; the word "weapon" includes every kind of weapon mentioned or included in the second section of this Act, and all ammunition which can be used with or for any such weapon, and any instrument or thing intended to be used as a weapon; the expression "intoxicating liquor" means and includes every kind of liquor mentioned or included in the twelfth section of this Act; and the expression "District, County or Place," includes any division of any Province, for the purposes of the administration of justice in the matter to which the context relates. **Interpretation clause.**

22. This Act shall commence and take effect on the first day of July, in the year of Our Lord one thousand eight hundred and and sixty-nine. **When this Act shall take effect.**

CAP. XXV.

An Act respecting certain offences relative to Her Majesty's Army and Navy.

[*Assented to 22nd June*, 1869.]

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows: **Preamble.**

1.

Penalty for enticing soldiers or sailors to desert.

1. Whosoever not being an enlisted soldier in Her Majesty's Service or a seaman in Her Majesty's Naval Service, by words or with money, or by any other means whatsoever, directly or indirectly persuades or procures, or goes about or endeavours to persuade, prevail on or procure any such soldier or seaman to desert or leave Her Majesty's Military or Naval service, or conceals, receives or assists any deserter from Her Majesty's Military or Naval service, knowing him to be such deserter, may be convicted thereof in a summary manner before any two Justices of the Peace, or before the Mayor of any City and any one Justice of the Peace, or before any Recorder, Judge of the Sessions of the Peace or Police Magistrate, on the evidence of one or more credible witness or witnesses, and shall then be liable to a penalty not less than eighty dollars, nor more than two hundred dollars, in the discretion of the Court before which the conviction takes place, with costs, and in default of payment may be committed to gaol for any period not exceeding six months, or until such penalty is paid.

How recoverable.

Penalty for receiving regimental necessaries, &c.

2. Whosoever buys, exchanges or detains or otherwise receives from any soldier or deserter, any arms, clothing or furniture belonging to Her Majesty, or any such articles belonging to any soldier or deserter as are generally deemed regimental necessaries, according to the custom of the army, or causes the colour of such clothing or articles to be changed, or exchanges, buys or receives from any soldier any provisions, without leave in writing from the officer commanding the regiment or detachment to which such soldier belongs, may be convicted thereof in the manner mentioned in the next preceding section, and shall then be liable to a penalty of not less than twenty dollars nor more than forty dollars and costs, and in default of payment be committed to gaol for a period not exceeding nine months, or until such penalty is paid.

Recovery thereof.

Penalty for receiving necessaries from marines or seamen.

3. Whosoever buys, exchanges, or detains or otherwise receives from any seaman or marine, upon any account whatever, or has in his possession, any arms or clothing, or any such articles belonging to any seaman, marine or deserter, as are generally deemed necessaries, according to the custom of the navy, may be convicted thereof in the manner mentioned in the next preceding section but one, and shall then be liable to a penalty, not less than sixty dollars nor more than one hundred and twenty dollars and costs, and in default of payment shall be committed to gaol for a term not exceeding nine months, or until such penalty is paid.

Recovery thereof.

Appropriations of pecuniary penalties.

4. One-half the amount of any penalty imposed under any of the preceding sections shall be paid over to the prosecutor or person by whose means the offender has been convicted, and the other moiety shall belong to the Crown.

Offender may be prosecuted for a misdemeanor.

5. Every offence against the preceding sections of this Act is a misdemeanor, and may be prosecuted as such, and the offender convicted shall then be liable to punishment by fine and imprisonment in the discretion of the Court, and nothing in this Act

shall

shall be construed to prevent any person being prosecuted, convicted and punished under any Act of the Imperial Parliament in force in Canada; but no person shall be twice punished for the same offence.

6. The examination of any soldier, seaman, or marine liable to be ordered from the Province in which any offence against this Act is prosecuted, or of any witness sick, infirm, or about to leave such Province, may be taken *de bene esse* before any Commissioner or other proper authority, in like manner as depositions in civil cases may be taken. Examination of witnesses about to leave the Province.

7. Any person reasonably suspected of being a deserter from Her Majesty's service may be apprehended and brought for examination before any Justice of the Peace, and if it appears that he is a deserter, he shall be confined in gaol until claimed by the military or naval authorities, or proceeded against according to law. Apprehension of suspected deserters.

8. No person shall break open any building to search for a deserter unless he has obtained a warrant for that purpose from a Justice of the Peace, such warrant to be founded on affidavit that there is reason to believe that the deserter is concealed in such building, and that admittance has been demanded and refused; and any person resisting the execution of any such warrant shall thereby incur a penalty of eighty dollars, recoverable on summary conviction in like manner as other penalties under this Act. Warrant required to enter a building in search of deserters.

9. Any Justice of the Peace, upon information on oath or affirmation, may issue a warrant for the apprehension of any person charged with an offence against this Act, as in the case of other offences against the law. Warrant to apprehend offenders.

CAP. XXVI.

An Act for the better protection of Her Majesty's Military and Naval Stores.

[*Assented to 22nd June,* 1869.]

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— Preamble.

1. The marks described in the schedule to this Act may be applied in or on Her Majesty's Naval, Military, Ordnance, Barrack, Hospital, and Victualling stores, to denote Her Majesty's property in stores so marked. Marks to be used on H. M. stores.

2.

Who may apply such marks.

2. The Admiralty and War Department, their contractors, officers and workmen, may apply the said marks, or any of them, in or on any such stores as are described in the said schedule.

Unlawfully using such marks, a misdemeanor.

3. Whosoever, without any lawful authority (proof of which authority shall lie on the party accused), applies any of the said marks in or on any such or any like stores, is guilty of a misdemeanor, and shall be liable to be imprisoned for any term less than two years, with or without hard labour.

Unlawfully obliterating or concealing such mark, felony.

4. Whosoever, with intent to conceal Her Majesty's property, in any Naval, Military, Ordnance, Barrack, Hospital or Victualling stores, takes out, destroys or obliterates, wholly or in part, any such mark as aforesaid, is guilty of felony, and shall be liable to be imprisoned for any term less than two years, with or without hard labour, and with or without solitary confinement.

Unlawfully keeping or selling stores so marked, misdemeanor.

5. Whosoever, without lawful authority (proof of which authority shall lie on the party accused), receives, possesses, keeps, sells or delivers any Naval, Military, Ordnance, Barrack, Hospital or Victualling stores, bearing any such mark as aforesaid, knowing them to bear such mark, is guilty of a misdemeanor, and shall be liable to be imprisoned for any term not exceeding one year, with or without hard labour.

Knowledge that goods bear mark, presumed until contrary shewn.

6. Where the person charged with such a misdemeanor as last aforesaid was, at the time at which the offence is charged to have been committed, a dealer in marine stores, or a dealer in old metals, or in Her Majesty's service or employment, knowledge on his part that the stores to which the charge relates bore such mark as aforesaid, shall be presumed until the contrary is shewn.

Where value of stores does not exceed $25, case to be tried summarily.

7. Any person charged with such misdemeanor as last aforesaid in relation to stores, the value of which does not exceed twenty-five dollars, shall be liable, on summary conviction before two Justices of the Peace, or any Recorder, Stipendiary Magistrate, or Police Magistrate, or the City Court of Halifax, to a penalty not exceeding one hundred dollars, or in the discretion of the Court, or Justices or Magistrate, to be imprisoned for any term not exceeding six months, with or without hard labour.

Persons in whose possession stores with mark are found, must prove that they obtained them lawfully.

8. In order to prevent a failure of justice in some cases, by reason of the difficulty of proving knowledge of the fact that stores bore such a mark as aforesaid, if any Naval, Military, Ordnance, Barrack, Hospital or Victualling stores, bearing any such mark, are found in the possession of any person not being a dealer in marine stores, or a dealer in old metals, and not being in Her Majesty's service, and such person, when taken or summoned before two Justices of the Peace, Recorder, Stipendiary Magistrate, or Police Magistrate, or the City Court of Halifax, does not satisfy the Justices, Recorder, Magistrate, or the Court, that he

came

came by the stores so found lawfully, he shall be liable, on conviction, to a penalty not exceeding twenty-five dollars; and if any such person satisfies the Justices, Recorder, Stipendiary or Police Magistrate or Court, that he came by the stores so found lawfully, the Justices, Recorder, Magistrate or Court, at their discretion, as the evidence given or the circumstances of the case require, may summon before them every person through whose hands such stores appear to have passed; and if any person as last aforesaid, who has had possession thereof, does not satisfy the Justices, Recorder, Stipendiary or Police Magistrate or Court, that he came by the same lawfully, he shall be liable, on conviction of having had possession thereof, to a penalty not exceeding twenty-five dollars, and in default of payment, to imprisonment for any period not exceeding three months, with or without hard labour.

Former possessor may be summoned.

And liable to conviction.

9. For the purposes of this Act, stores shall be deemed to be in the possession or keeping of any person, if he knowingly has them in the actual possession or keeping of any other person, or in any house, building, lodging, apartment, field or place, open or enclosed, whether occupied by himself or not, and whether the same are so had for his own use or benefit or for the use or benefit of another.

What shall be deemed possession.

10. It shall not be lawful for any person, without permission in writing from the Admiralty, or from some person authorized by the Admiralty in that behalf, to creep, sweep, dredge or otherwise search for stores in the sea or any tidal or inland water, within one hundred yards from any vessel belonging to Her Majesty or in Her Majesty's service, or from any mooring place or anchoring place appropriated to such vessels, or from any mooring belonging to Her Majesty, or from any of Her Majesty's wharves or docks, victualling or steam factory yards.

Unlawful to creep, dredge, &c., for stores within 100 yards of H.M. vessels, wharves, &c., without permission.

11. Whosoever contravenes the next preceding section shall be liable, on summary conviction before two Justices of the Peace, or any Recorder, Stipendiary or Police Magistrate, or the City Court of Halifax, to a penalty not exceeding twenty-five dollars, or to be imprisoned for any term not exceeding three months, with or without hard labour.

Persons contravening last section liable to summary conviction.

12. And it shall not be competent for any person other than the officer commanding the Naval or Military Forces in Canada or some person acting under his authority, to institute or carry on under this Act any prosecution or proceeding for any offence against it.

Who only may prosecute.

13. Nothing in this Act shall prevent any person from being indicted under this Act or otherwise, for any indictable offence made punishable on summary conviction by this Act, or prevent any person from being liable under any other Act or otherwise, to any other or higher penalty or punishment than is provided for any offence by this Act, so that no person be punished twice for the same offence.

Nothing in this Act shall prevent indictment under this or any other Act.

Term "stores" defined.

14. The term "Stores" shall include any single store or article.

Proof under this Act.

15. In all prosecutions under this Act, proof that any soldier, seaman or marine was actually doing duty in Her Majesty's service shall be *primâ facie* evidence that his enlistment, entry or enrolment has been regular.

Imprisonment under this Act in certain cases.

16. Persons convicted or sentenced to imprisonment under this Act, before the City Court of Halifax, may, in the discretion of the Court, be imprisoned in the city prison with hard labour, instead of the county gaol.

Commencement of Act.

17. This Act shall commence and take effect upon, from and after the first day of July, one thousand eight hundred and sixty-nine.

SCHEDULE.

Marks appropriated for Her Majesty's use in or on Naval, Military, Ordnance, Barrack, Hospital and Victualling stores.

STORES.	MARKS.
Hempen Cordage and Wire Rope.	White, black, or coloured worsted threads laid up with the yarns and the wire, respectively.
Canvas, Fearnought Hammocks, and Seamen's Bags.	A blue line in a serpentine form.
Bunting.	A double tape in the warp.
Candles.	Blue or red cotton threads in each wick, or wicks of red cotton.
Timber, metal, and other stores not before enumerated.	The broad arrow, with or without the letters W.D.

CAP. XXVII.

An Act respecting Cruelty to Animals.

[*Assented to 22nd June,* 1869.]

Preamble.

WHEREAS it is expedient that provision should be made, extending to all Canada, for the punishment of Cruelty to Animals: Therefore, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

1.

1. Whosoever wantonly, cruelly, or unnecessarily beats, binds, illtreats, abuses or tortures any Horse, Mare, Gelding, Bull, Ox, Cow, Heifer, Steer, Calf, Mule, Ass, Sheep, Lamb, Pig, or other Cattle, or any Poultry, or any Dog, or Domestic Animal or Bird, or whosoever driving any cattle or other animal, is, by negligence or ill-usage in the driving thereof, the means whereby any mischief, damage or injury is done by any such cattle or other animal, shall upon being convicted of any or either of the said offences before any one Justice of the Peace for the District, County or place in which the offence has been committed, for every such offence, forfeit and pay (over and above the amount of the damage or injury, if any, done thereby, which damage or injury shall and may be ascertained and awarded by such Justice,) such a sum of money not exceeding ten dollars, nor less than one dollar with costs, as to such Justice seems meet. Cruelty to animals, how punishable.

2. The offender shall in default of payment be committed to the Common Gaol or other place of confinement, for the district, county, or place in which the offence was committed, there to be imprisoned for any time not exceeding thirty days. Imprisonment in default of payment of fine.

3. Nothing in this Act contained shall prevent or abridge any remedy by action against the offender or his employer where the amount of the damage is not sought to be recovered by virtue of this Act. Civil remedy not affected.

4. When any offence against this Act is committed, any constable or other peace officer, or the owner of any such cattle, animal or poultry, upon view thereof, or upon the information of any other person (who shall declare his or their name or names and place or places of abode to the said constable or other peace officer) may seize and secure by the authority of this Act, and forthwith, and without any other authority or warrant, may convey any such offender before a Justice of the Peace within whose jurisdiction the offence has been committed, to be dealt with according to law. Apprehension of offenders against this Act.

5. If any person apprehended for having committed any offence against this Act refuses to discover his name and place of abode to the Justice of the Peace before whom he is brought, such person shall be immediately delivered over to a constable or other peace officer, and shall by him be conveyed to the Common Gaol or place of confinement for the district, county or place within which the offence has been committed, or in which the offender has been apprehended, there to remain for any term not exceeding one month, or until he makes known his name and place of abode to the said Justice. In case offender refuses to state his name, &c.

6. The prosecution of every offence punishable under this Act must be commenced within three months next after the commission of the offence, and not otherwise. Limitation of prosecutions.

7.

Act respecting summary convictions to apply.

7. Every offence against any of the sections of this Act is a misdemeanor, and may be punished as such or may be prosecuted in the manner directed by the *Act respecting the duties of Justices of the Peace, out of Sessions, in relation to summary convictions and orders*, so far as no provision is hereby made for any matter or thing which may be required to be done with respect to such prosecution; and all the provisions contained in the said Act shall be applicable to such prosecutions, in the same manner as if they were incorporated in this Act.

Application of penalties.

8. All pecuniary penalties recovered before any Justice of the Peace under this Act, shall be divided, paid and distributed in the following manner, that is to say: one moiety thereof to the Corporation of the city, town, village, township, parish or place in which the offence was committed, and the other moiety, with full costs, to the person who informed and prosecuted for the same, or to such other person as to such Justice seems proper.

As to amounts paid as damages.

9. Every sum of money ascertained, and awarded, adjudged, by any Justice of the Peace under this Act to be paid as the amount of any damage or injury occasioned by the commission of any of the offences hereinbefore mentioned, shall be paid to the person who has sustained such damage or injury.

Interpretation.

10. Where the word "cattle" is used in this Act it shall have the meaning assigned to it in the Act respecting larceny and other similar offences.

Commencement of Act.

11. This Act shall commence and take effect upon, from and after the first day of January, one thousand eight hundred and seventy.

CAP. XXVIII.

An Act respecting Vagrants.

[*Assented to 22nd June,* 1869.]

Preamble.

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

Who shall be deemed vagrants.

1. All idle persons who, not having visible means of maintaining themselves, live without employment,—all persons who, being able to work and thereby or by other means to maintain themselves and families, wilfully refuse or neglect to do so,—all persons openly exposing or exhibiting in any street, road, public place or highway any indecent exhibition, or openly or indecently exposing their persons,—all persons who, without a certificate signed, within six months, by a Priest, Clergyman or Minister of the Gospel, or two Justices of the Peace, residing in the municipality where the alms are being asked, that he or she is a deserving object

object of charity, wander about and beg, or who go about from door to door, or place themselves in the streets, highways, passages or public places to beg or receive alms, all persons loitering in the streets or highways and obstructing passengers by standing across the footpaths or by using insulting language or in any other way, or tearing down or defacing signs, breaking windows, breaking doors or door-plates, or the walls of houses, roads or gardens, destroying fences, causing a disturbance in the streets or highways by screaming, swearing or singing, or being drunk, or impeding or incommoding peaceable passengers,—all common prostitutes, or night walkers wandering in the fields, public streets or highways, lanes or places of public meeting or gathering of people, not giving a satisfactory account of themselves,—all keepers of bawdy-houses and houses of ill-fame, or houses for the resort of prostitutes, and persons in the habit of frequenting such houses, not giving a satisfactory account of themselves,—all persons who have no peaceable profession or calling to maintain themselves by, but who do for the most part support themselves by gaming or crime or by the avails of prostitution,—shall be deemed vagrants, loose, idle or disorderly persons within the meaning of this Act, and shall upon conviction before any Stipendiary or Police Magistrate, Mayor or Warden, or any two Justices of the Peace, be deemed guilty of a misdemeanor and be punished by imprisonment in any gaol or place of confinement other than the Penitentiary, for a term not exceeding two months and with or without hard labour, or by a fine not exceeding fifty dollars, or by both, such fine and imprisonment being in the discretion of the convicting Magistrate or Justices.

Punishment of vagrants on summary conviction.

2. Any Stipendiary or Police Magistrate, Mayor or Warden, or any two Justices of the Peace upon information before them made, that any person hereinbefore described as vagrants, loose, idle and disorderly persons, are or are reasonably suspected to be harbored or concealed in any bawdy-house, house of ill-fame, tavern or boarding-house, may, by warrant, authorize any constable or other person to enter at any time such house or tavern, and to apprehend and bring before them or any other Justices, all persons found therein so suspected as aforesaid.

Justices may cause any such person to be brought before them.

CAP. XXIX.

An Act respecting Procedure in Criminal Cases, and other matters relating to Criminal Law.

[*Assented to 22nd June*, 1869.]

WHEREAS, by divers Acts passed during the now last and the present Session of Parliament, certain provisions of the Statute Law of the several Provinces of Canada, respecting certain crimes and offences, have been assimilated, amended and consolidated, and extended to all Canada, and it is expedient, in like

Preamble.

like manner, to assimilate, amend and consolidate and to extend certain other provisions of the said Statute Law, respecting procedure and other matters not included in the said Acts: Therefore, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Interpretation.

Interpretation or certain words.

1. In the interpretation of this Act and of any Act of the Parliament of Canada relating to Criminal Law, unless there be something in the enactment or in the context indicating a different meaning or calling for a different construction:

"Indictment."

1 The word "Indictment" shall be understood to include "information," "inquisition" and "presentment" as well as indictment, and also any plea, replication or other pleading, and any record; and the term "finding of the indictment" shall include also "the taking of an inquisition," "the exhibiting an information" and "the making of a presentment;" and the word "property" shall be understood to include goods, chattels, money, valuable securities, and every other matter or thing, whether real or personal, upon or with respect to which any offence may be committed; and the expression "district, county or place" shall include any division of any Province of Canada, for purposes relative to the administration of justice in criminal cases;

"Property."

'District," County, &c.

Genders, numbers, &c.

2. Whenever in any Act relating to any offence, whether punishable upon indictment or summary conviction, any word has been used or employed importing the singular number or the masculine gender only, in describing or referring to the offence or to the subject matter on or with respect to which it may be committed, or to the offender or the party affected or intended to be affected by the offence, such Act shall be understood to include several matters of the same kind, as well as one matter, and several persons as well as one person, and females as well as males, and bodies corporate as well as individuals, and when a forfeiture or penalty is made payable to a party aggrieved, it shall be payable to a body corporate in case such a body be the party aggrieved;

Bodies corporate.

Punishment to be only on conviction.

3. Whenever a person doing a certain act is declared to be guilty of any offence, and to be liable to punishment therefor, it shall be understood that such person shall only be deemed guilty of such offence and liable to such punishment after being duly convicted of such act; and whenever it is provided that the offender shall be liable to different degrees or kinds of punishment, it shall be understood that the punishment to be inflicted, will, subject to the limitations contained in the enactment, be in the discretion of the Court or tribunal before which the conviction takes place;

Degrees of punishment.

"Penitentiary."

4. The word "Penitentiary" shall be understood to mean the Penitentiary for the Province in which the conviction takes place; and any person sentenced to imprisonment in the Penitentiary shall

shall be subject to the provisions of the statutes relating to such Penitentiary, and to all rules and regulations lawfully made under any such statute ;

5. The word "Justice" shall be understood to mean a Justice of the Peace ; "Justice."

6. The expression "any Act," or, "any other Act," when it occurs in this Act or in any other Act of the Parliament of Canada, relating to Criminal Law, shall include any Act passed or to be passed by the Parliament of Canada, or any Act passed by the Legislature of the late Province of Canada, or passed or to be passed by the Legislature of any Province of Canada, or passed by the Legislature of any Province included in Canada, before it was included therein, unless there be something in the subject or context inconsistent with such construction. "Any Act."

Apprehension of Offenders, &c.

2. Any person found committing an offence punishable either upon indictment, or upon summary conviction, may be immediately apprehended by any Constable or Peace Officer, without a warrant, or by the owner of the property on or with respect to which the offence is being committed, or by his servant or any other person authorized by such owner, and shall be forthwith taken before some neighbouring Justice of the Peace, to be dealt with according to law. Offenders caught in the act may be summarily arrested.

3. If any person to whom any property is offered to be sold, pawned, or delivered, has reasonable cause to suspect that any such offence has been committed on or with respect to such property, he may, and if in his power, he shall apprehend and forthwith carry before a Justice of the Peace, the party offering the same, together with such property, to be dealt with according to law. Persons in possession of stolen goods may be arrested.

4. Any person may apprehend any other person found committing any indictable offence in the night, and shall convey or deliver him to some constable or other person, in order to his being taken, as soon as conveniently may be, before a Justice of the Peace, to be dealt with according to law. Arrest of offenders caught in the act in the night time.

5. Any Constable or Peace Officer may, without a warrant, take into custody any person whom he finds lying or loitering in any highway, yard or other place, during the night, and whom he has good cause to suspect of having committed or being about to commit any felony, and may detain such person until he can be brought before a Justice of the Peace, to be dealt with according to law. Other cases in which a constable may arrest without warrant.

6. No person having been apprehended as last aforesaid shall be detained after noon of the following day without being brought before a Justice of the Peace. Detention of person arrested, limited.

7.

Proceedings before Justices, how regulated.

7. The proceedings to be had before any Justice or Justices of the Peace when any offender is brought before him or them, are regulated by the *Act respecting the duties of Justices of the Peace out of Sessions in relation to persons charged with indictable offences*, and the *Act respecting the duties of Justices of the Peace out of Sessions, in relation to summary convictions and orders*, subject to any special provision contained in any Act relating to the particular offence with which such offender is charged.

Venue, place of trial, &c.

Where offences committed on the confines of districts, &c., may be tried.

8. When any felony or misdemeanor is committed on the boundary of two or more districts, counties or places, or within the distance of one mile of any such boundary, or in any place with respect to which it may be uncertain within which of two or more districts, counties or places it is situate, or when any felony or misdemeanor is begun in one district, county or place, and completed in another, every such felony or misdemeanor may be dealt with, inquired of, tried, determined and punished, in any one of the said districts, counties or places in the same manner as if it had been actually and wholly committed therein.

Offences committed on persons or property while *in transitu* by land or water, where triable.

9. When any felony or misdemeanor is committed on any person, or on or in respect of any property, in or upon any coach, waggon, cart or other carriage whatever, employed in any journey, or is committed on any person, or on or in respect of any property on board any vessel, boat or raft whatever, employed in any voyage or journey upon any navigable river, canal or inland navigation, such felony or misdemeanor may be dealt with, inquired of, tried, determined and punished, in any district, county or place through any part whereof such coach, waggon, cart, carriage or vessel, boat or raft, passed in the course of the journey or voyage during which such felony or misdemeanor was committed, in the same manner as if it had been actually committed in such district, county or place.

Offences committed on highways, rivers, &c., dividing two districts, &c., where triable.

10. In all cases where the side, centre, bank, or other part of any highway, or of any river, canal, or navigation, constitutes the boundary of any two districts, counties or places, any felony or misdemeanor mentioned in the two last preceding sections may be dealt with, inquired of, tried, determined, and punished in either of such districts, counties or places, through or adjoining to, or by the boundary of any part whereof such coach, waggon, cart, carriage, or vessel, boat or raft, passed in the course of the journey or voyage during which such felony or misdemeanor was committed, in the same manner as if it had been actually committed in such district, county or place.

Venue may be changed in certain cases, and how and on what condition.

11. Whenever it appears to the satisfaction of the Court or Judge hereinafter mentioned, that it is expedient to the ends of Justice that the trial of any person charged with felony or misdemeanor should be held in some district, county or place other than that

that in which the offence is supposed to have been committed, or would otherwise be triable, the Court at which such person is or is liable to be indicted, may at any term or sitting thereof, and any Judge who might hold or sit in such Court, may at any other time, order, either before or after the presentation of a bill of indictment, that the trial shall be proceeded with in some other district, county or place within the same Province, to be named by the Court, or Judge in such order; but such order shall be made upon such conditions as to the payment of any additional expense thereby caused to the accused, as the Court or Judge may think proper to prescribe;

2. Forthwith upon the order of removal being made by the Court or Judge, the indictment, if any has been found against the prisoner, and all inquisitions, informations, depositions, recognizances, and other documents whatsoever relating to the prosecution against him, shall be transmitted by the officer having the custody thereof to the proper officer of the Court at the place where the trial is to be had, and all proceedings in the case shall be had, or, if previously commenced, shall be continued in such district, county or place as if the case had arisen or the offence had been committed therein; **Transmission of records, &c., to place of trial.**

3. The order of the Court, or of the Judge, made under the first sub-section of this section, shall be a sufficient warrant, justification and authority to all Sheriffs, Gaolers, and Peace Officers for the removal, disposal and reception of the prisoner in conformity with the terms of such order; and the Sheriff may appoint and empower any constable to convey the prisoner to the gaol in the district, county or place in which the trial is ordered to be had; **Removal of prisoners to new place of trial.**

4. Every recognizance which may have been entered into or shall be entered into for the prosecution of any person, and every recognizance, as well of any witness to give evidence, as of any person for any offence, shall, in case any such order, as provided by sub-section number one of this section, is made, be obligatory on each of the parties bound by such recognizance as to all things therein mentioned with reference to the said trial, at the place where such trial is so ordered to be had, in like manner as if such recognizance had been originally entered into for the doing of such things at such last mentioned place; provided that notice in writing shall be given either personally or by leaving the same at the place of residence of the parties bound by such recognizance, as therein described, to appear before the Court, at the place where such trial is ordered to be had. **Recognizances to apply to such place.** **Proviso: notice to cognizors.**

12. No Court of General or Quarter Sessions or Recorder's Court, nor any Court but a Superior Court having criminal jurisdiction shall have power to try any treason, or any felony punishable with death, or any libel. **Certain Courts only to try certain offences.**

Indictments.

Indictments.

Indictment need not be on parchment.

13. It shall not be necessary that any indictment or any record or document relative to any criminal case, be written on parchment.

Indictment found against a person already in custody.

14. When an indictment is found against any person for whose appearance at any Court to answer the offence, a recognizance has been given, and such person is confined in any penitentiary or gaol within the jurisdiction of such Court, under warrant of commitment, or under sentence for some other offence, the Court may, by order in writing, direct the warden of the Penitentiary or the keeper of such gaol to bring up such person to be arraigned on such indictment, without a writ of *Habeas Corpus*, and the warden or keeper shall obey such order.

Not necessary to state the venue in the body of the indictment.

15. It shall not be necessary to state any venue in the body of any indictment; and the district, county, or place named in the margin thereof, shall be the venue for all the facts stated in the body of the indictment; but in case local description be required, such local description shall be given in the body thereof.

As to abolition of benefit of clergy.

16. Benefit of Clergy is hereby declared to have been abolished but such abolition does not prevent the joinder in an indictment of any counts which might have been joined but for such abolition.

In case of property owned by partners, &c., it shall be sufficient to name one of such partners, &c.

17. Whenever, in any indictment for felony or misdemeanor, it is requisite to state the ownership of any property real or personal, which belongs to or is in possession of more than one person, whether such persons be partners in trade, joint tenants, parceners or tenants in common, it shall be sufficient to name one of such persons, and to state the property to belong to the person so named and another or others, as the case may be.

Case of joint tenants, joint stock companies, &c.

18. If in any indictment for felony or misdemeanor, it be necessary for any purpose to mention any partners, joint tenants, parceners, or tenants in common, it shall be sufficient to describe them in the manner aforesaid; and this provision and that of the last preceding section shall extend to all joint-stock companies and trustees.

When property need not be laid in any person.

19. In any indictment for felony or misdemeanor committed: 1. In or upon, or with respect to any church, chapel, or place of religious worship,—or 2. To any highway, bridge, court-house, gaol, house of correction, penitentiary, infirmary, asylum, or other public building,—or 3. To any railway, canal, lock, dam or other public work erected or maintained in whole or in part at the expense of the Dominion of Canada, or of any of the Provinces of which it is composed, or of any Municipality, County, Parish or Township, or other sub-division thereof,—or 4. With respect to any materials, goods, or chattels belonging to or provided for, or at the expense of the Dominion or of any such Province, or of any Municipality or

or other sub-division thereof, to be used for making, altering or repairing any highway, or bridge, or any court-house or other such building, railway, canal, lock, dam or other public work as aforesaid, or to be used in or with any such work, or for any other purpose whatever, it shall not be necessary to state any such property, real or personal, to be the property of any person.

20. In any indictment for felony or misdemeanor, committed on or with respect to any house, building, gate, machine, lamp, board, stone, post, fence or other thing erected or provided by any trustees or commissioners in pursuance of any Act in force in Canada, or in any Province thereof, for making any turnpike road, or to any conveniences or appurtenances thereunto respectively belonging, or to any materials, tools or implements provided for making, altering or repairing any such road, it shall be sufficient to state any such property to belong to the Trustees or Commissioners of such road, without specifying the names of such Trustees or Commissioners. **Property in roads, &c., to be laid in trustees or commissioners without naming them.**

21. In any indictment for any felony or misdemeanor committed on or with respect to any buildings, or any goods or chattels, or any other property, real or personal, in the occupation, or under the superintendence, charge or management of any public officer or commissioner, or any county, parish, township or municipal officer or commissioner, it shall be sufficient to state any such property to belong to the officer or commissioner in whose occupation, or under whose superintendence, charge or management such property is, and it shall not be necessary to specify the names of any such officers or commissioners. **Ownership of property in possession of public officers, how to be stated.**

22. All property, real and personal, whereof any body corporate has, by law, the management, control, or custody, shall, for the purpose of any indictment, or proceeding against any other person for any offence committed on or in respect thereof, be deemed to be the property of such body corporate. **Property under management of body corporate.**

23. No indictment shall be held insufficient for want of the averment of any matter unnecessary to be proved, nor for the omission of the words "as appears upon the record," or "as appears by the record," or of the words "with force and arms," or of the words "against the peace," or for the insertion of the words "against the form of the statute" instead of the words "against the form of the statutes," or *vice versâ*,—or for the omission of such words, or for the want of an addition or for an imperfect addition of any person mentioned in the indictment, or for that any person mentioned in the indictment is designated by a name of office or other descriptive appellation instead of his proper name, or for omitting to state the time at which the offence was committed in any case where time is not of the essence of the offence, or for stating the time imperfectly, or for stating the offence to have been committed on a day subsequent to the finding of **Omission of certain averments, &c., not fatal to indictment.**

of the indictment, or on an impossible day, or on a day that never happened, or for want of a proper or perfect venue, or for want of a proper or formal conclusion, or for want of or imperfection in the addition of any defendant, or for want of the statement of the value or price of any matter or thing, or the amount of damage, injury or spoil, in any case where the value or price, or the amount of damage, injury or spoil, is not of the essence of the offence.

Description of instruments generally.

24. Whenever it is necessary to make an averment in an indictment, as to any instrument, whether the same consists wholly or in part of writing, print or figures, it shall be sufficient to describe such instrument by any name or designation by which the same may be usually known, or by the purport thereof, without setting out any copy or *fac-simile* of the whole or of any part thereof.

What necessary in describing money or bank notes.

25. Whenever in any indictment it is necessary to make an averment as to any money or to any note of any bank, or Dominion or Provincial note, it shall be sufficient to describe such money or note simply as money, without any allegation (so far as regards the description of the property) specifying any particular coin or note, and such averment shall be sustained by proof of any amount of coin or of any such note, although the particular species of coin of which such amount was composed, or the particular nature of the note be not proved.

Indictment, &c., for subsequent offences: what statements shall be sufficient.

26. In any indictment for any indictable offence committed after a previous conviction or convictions for any felony, misdemeanor, or offence or offences punishable upon summary conviction, and for which a greater punishment may be inflicted on that account, it shall be sufficient, after charging the subsequent offence, to state that the offender was at a certain time and place, or at certain times and places, convicted of felony or of an indictable misdemeanor, or of an offence or offences punishable upon summary conviction (as the case may be), and to state the substance and effect only, omitting the formal part, of the indictment and conviction, or of the summary conviction (as the case may be) for the previous offence, without otherwise describing the previous offence or offences, and a certificate containing the substance and effect only (omitting the formal part) of the indictment and conviction for the previous felony or misdemeanor, or a copy of any such summary conviction, purporting to be signed by the Clerk of the Court or other officer having the custody of the records of the Court where the offender was first convicted, or to which such summary conviction has been returned, or by the deputy of such clerk or officer, shall, upon proof of the identity of the person of the offender, be sufficient evidence of such conviction, without proof of the signature or official character of the person appearing to have signed the same; and the proceedings upon any indictment for committing any offence after a previous conviction or convictions shall be as follows (that is to say),—the offender shall, in the first

When and how the previous

first instance, be arraigned upon so much only of the indictment as charges the subsequent offence, and if he pleads not guilty, or if the Court orders a plea of not guilty to be entered on his behalf, the jury shall be charged, in the first instance, to inquire concerning such subsequent offence only, and if they find him guilty, or if on arraignment he pleads guilty, he shall then, and not before, be asked whether he was so previously convicted as alleged in the indictment, and if he answers that he was so previously convicted, the Court may proceed to sentence him accordingly, but if he denies that he was so previously convicted, or stands mute of malice, or will not answer directly to such question, the jury shall then be charged to inquire concerning such previous conviction or convictions, and in such case it shall not be necessary to swear the jury again but the oath already taken by them shall for all purposes be deemed to extend to such last mentioned inquiry; Provided that if upon the trial of any person for any such subsequent offence, such person gives evidence of his good character, it shall be lawful for the prosecutor, in answer thereto, to give evidence of the conviction of such person for the previous offence or offences, before such verdict of guilty is returned, and the jury shall inquire concerning such previous conviction or convictions at the same time that they inquire concerning such subsequent offence.

conviction is to be proved on the trial.

Proviso: if the defendant gives evidence of good character.

27. The forms of indictment contained in the Schedule A to this Act may be used, and shall be sufficient as respects the several offences to which they respectively relate; and as respects offences not mentioned in the Schedule, the said forms shall serve as a guide to shew the manner in which offences are to be charged, so as to avoid surplusage and verbiage, and the averment of matters not necessary to be proved, and the indictment shall be good if, in the opinion of the Court, the prisoner will sustain no injury from its being held to be so, and the offence or offences intended to be charged by it can be understood from it.

Forms in schedule to be sufficient; and general provision as to sufficiency.

Preliminary requirements as to certain indictments.

28. No bill of indictment for any of the offences following, viz.: perjury, subornation of perjury, conspiracy, obtaining money or other property by false pretences, keeping a gambling house, keeping a disorderly house, or any indecent assault, shall be presented to, or found by any grand jury, unless the prosecutor or other person presenting such indictment has been bound by recognizance to prosecute or give evidence against the person accused of such offence, or unless the person accused has been committed to or detained in custody, or has been bound by recognizance to appear to answer to an indictment to be preferred against him for such offence, or unless the indictment for such offence is preferred by the direction of the Attorney General, or Solicitor General for the Province, or of a Judge of a Court having jurisdiction to give such direction or to try the offence.

Requirements as to indictments for certain offences.

29.

Proceedings before Justices in such cases.

29. Where any charge or complaint is made before any one or more Justices of the Peace, that any person has committed any of the offences in the next preceding section mentioned, within the jurisdiction of such Justice or Justices, and such Justice or Justices refuses or refuse to commit or to bail the person charged with such offence, to be tried for the same, then, in case the prosecutor desires to prefer an indictment respecting the said offence, it shall be lawful for the said Justice or Justices, and he or they is or are hereby required to take the recognizance of such prosecutor, to prosecute the said charge or complaint, and to transmit the recognizance, information and depositions, if any, to the proper officer, in the same manner as such Justice or Justices would have done, in case he or they had committed the person charged to be tried for such offence.

Dilatory pleas, arraignment, challenges, Jurors, &c.

No person entitled of right to traverse or time to have plead.

Court may postpone trial, upon terms; &c.

30. No person prosecuted shall be entitled as of right to traverse or postpone the trial of any indictment preferred against him in any Court, or to imparl, or to have time allowed him to plead or demur to any such indictment; Provided always, that if the Court, before which any person is so indicted, upon the application of such person, or otherwise, is of opinion, that he ought to be allowed a further time to plead or demur or to prepare for his defence, or otherwise, such Court may grant such further time to plead or demur, or may adjourn the receiving or taking of the plea or demurrer, and the trial, or (as the case may be) the trial of such person, to some future time of the sittings of the Court, or to the next or any subsequent session or sittings of the Court, and upon such terms as to bail or otherwise, as to the Court seem meet, and may, in the case of adjournment to another session or sitting, respite the recognizances of the prosecutor and witnesses accordingly, in which case the prosecutor and witnesses shall be bound to attend to prosecute and give evidence at such subsequent session or sittings, without entering into any fresh recognizances for that purpose.

Indictment not to be abated by reason of dilatory plea of misnomer, &c.

31. No indictment shall be abated by reason of any dilatory plea of misnomer, or of want of addition, or of wrong addition of any party offering such plea; but if the Court be satisfied, by affidavit or otherwise, of the truth of such plea, the Court shall forthwith cause the indictment to be amended according to the truth, and shall call upon such party to plead thereto, and shall proceed as if no such dilatory plea had been pleaded.

When objection to indictment is to be taken.

How and when defects may be amended.

32. Every objection to any indictment for any defect apparent on the face thereof, must be taken by demurrer or motion to quash the indictment, before the defendant has pleaded, and not afterwards; and every Court, before which any such objection is taken, may, if it be thought necessary, cause the indictment to be forthwith amended in such particular, by some officer of the Court or other

other person, and thereupon the trial shall proceed as if no such defect had appeared; and no motion in arrest of judgment shall be allowed for any defect in the indictment which might have been taken advantage of by demurrer, or amended under the authority of this Act.

33. If any person being arraigned upon any indictment for any indictable offence pleads thereto a plea of "Not guilty," he shall by such plea, without any further form, be deemed to have put himself upon the country for trial, and the Court may, in the usual manner, order a jury for the trial of such person accordingly. A plea of "Not guilty" puts the prisoner on his trial by jury.

34. If any person, being arraigned upon any indictment for any indictable offence, stands mute of malice, or will not answer directly to the indictment, in every such case it shall be lawful for the Court, if it thinks fit, to order the proper officer to enter a plea of "not guilty" on behalf of such person, and the plea so entered shall have the same force and effect as if such person had actually pleaded the same. If he refuses to plead, Court may order a plea of "Not guilty" to be entered.

35. In any plea of *autrefois convict* or *autrefois acquit* it shall be sufficient for any defendant to state that he has been lawfully convicted or acquitted (as the case may be) of the offence charged in the indictment. Form of plea of *autrefois convict* or *autrefois acquit*

36. No plea setting forth any attainder shall be pleaded in bar of any indictment, unless the attainder be for the same offence as that charged in the indictment. Attainder of another crime not pleadable.

37. If any person arraigned for treason or felony challenges peremptorily a greater number of men returned to be of the jury than twenty in a case of indictment for treason or felony punishable with death, or twelve in case of indictment for any other felony, or four in case of indictment for misdemeanor, every peremptory challenge beyond the number so allowed in the said cases respectively shall be entirely void, and the trial of such person shall proceed as if no such challenge had been made, but nothing herein contained shall be construed to prevent the challenge of any number of Jurors for cause. Peremptory challenges by the prisoner; to what extent allowed and when void.

38. In all criminal trials, whether for treason, felony or misdemeanor, four jurors may be peremptorily challenged on the part of the Crown; but this shall not be construed to affect the right of the Crown to cause any Juror to stand aside until the panel has been gone through, or to challenge any number of jurors for cause. Challenges on part of the Crown.

39. Juries *de mediatate linguæ* shall not hereafter be allowed in the case of aliens. Juries *de mediatate linguæ*.

40. In those districts in the Province of Quebec in which the Sheriff is required by law to return a panel of Petit Jurors composed As to Juries half English and half

French in Quebec.

posed one half of persons speaking the English language, and one half of persons speaking the French language, he shall in his Return specify separately those Jurors whom he returns as speaking the English language, and as those whom he returns as speaking the French language respectively; and the names of the Jurors so summoned shall be called alternately from the said lists;

Peremptory challenges to be divided.

2. Whenever a person accused of treason or felony elects to be tried by a jury composed one half of persons skilled in the language of the defence, the number of peremptory challenges to which he is entitled shall be divided, so that he shall only have the right to challenge one half of such number from among the English speaking jurors and one half from among the French speaking Jurors;

3. This section applies only to the Province of Quebec.

Supplying defect of jurors if the panel is exhausted.

41. Whenever in any criminal case, the panel has been exhausted by challenge, or by default of Jurors by non-attendance or not answering when called, or from any other cause, and a complete jury for the trial of such case cannot be had by reason thereof, then upon request made on behalf of the Crown, the Court may in its discretion order the Sheriff or other proper officer forthwith to summon such number of good men of the District, County or place, whether on the roll of Jurors or otherwise qualified as jurors or not, as the Court may deem necessary and may direct, in order to make up a full jury; and such Sheriff or Officer shall forthwith summon by word of mouth or in writing, the number of persons he is so required to summon, and add their names to the general panel of jurors returned to serve at that Court, and (subject to the right of the Crown and of the accused respectively, as to challenge or direction to stand aside) the persons whose names are so added to the panel shall (whether otherwise qualified or not) be deemed duly qualified as jurors in the case, and so until a complete jury is obtained, and the trial shall then proceed as if such jurors were originally returned duly and regularly on the panel; and if before such order one or more persons have been sworn, or admitted unchallenged on the jury, he or they may be retained on the jury, or the jury may be discharged, as the Court may direct; every person so summoned as a juror shall forthwith attend and act in obedience to the summons, and if he makes default shall be punishable in like manner as a juror summoned in the usual way; such Jurors so newly summoned shall be added to the panel for such case only.

Saving of powers not expressly altered.

42. Nothing in this Act shall alter, abridge or affect any power or authority which any Court or Judge hath when this Act takes effect, or any practice or form in regard to trials by jury, jury-process, juries or jurors, except only in cases where such power or authority is expressly altered by or is inconsistent with the provisions of this Act.

43. Any Quaker or other person allowed by law to affirm instead of swearing in civil cases, or solemnly declaring that the taking of any oath is, according to his religious belief unlawful, who is summoned as a Grand or Petit Juror in any criminal case shall, instead of being sworn in the usual form, be permitted to make a solemn affirmation beginning with the words following: "I, A.B. do solemnly, sincerely and truly affirm," and may then serve as a juror as if he had been sworn, and his declaration or affirmation shall have the same effect as an oath to the like effect; and in any record or proceeding relating to the case, it may be stated that the jurors were sworn or affirmed; and in any indictment the words "upon their oath present," shall be understood to include the affirmation of any juror affirming instead of swearing. **Certain persons may make affirmation and act as jurors.**

44. And for avoiding doubt, it is declared and enacted, that every person qualified and summoned as a Grand Juror or as a Petty Juror in Criminal cases, according to the laws which may be then in force in any Province of Canada, shall be and shall be held to be duly qualified to serve as such Juror in that Province, whether such were laws passed before or be passed after the coming into force of the British North America Act, 1867,—subject always to any provision in any Act of the Parliament of Canada, and in so far as such laws are not inconsistent with any such Act. **As to Acts of Provincial Legislatures respecting jurors, in criminal cases.** **Proviso.**

Trial, defence, verdict, attainder, &c.

45. All persons tried for any indictable offence shall be admitted, after the close of the case for the prosecution, to make full answer and defence thereto by Counsel learned in the law: **Full defence in cases of felony.**

2. And upon any trial the addresses to the Jury shall be regulated as follows: The Counsel for the prosecution, in the event of the defendant or his Counsel not announcing at the close of the case for the prosecution, his intention to adduce evidence, shall be allowed to address the Jury a second time at the close of such case, for the purpose of summing up the evidence; and the accused, or his Counsel, shall then be allowed to open his case and also to sum up the evidence, if any be adduced for the defence; and the right of reply shall be according to the practice of the Courts in England; Provided always, that the right of reply shall be always allowed to the Attorney or Solicitor-General, or to any Queen's Counsel acting on behalf of the Crown. **How addresses of Counsel to jury shall be regulated.** **Proviso.**

46. All persons under trial shall be entitled, at the time of their trial, to inspect without fee or reward all depositions (or copies thereof,) taken against them, and returned into the Court before which such trial is had. **Inspection of depositions by prisoners.**

47. Every person indicted for any crime or offence shall, before being arraigned on the indictment, be entitled to a copy thereof, on paying the Clerk ten cents per folio for the same, if the Court is of opinion that the same can be made without delay to the trial, but not otherwise. **Copy of indictment to persons under trial.**

Also copies of depositions, under certain conditions.

48. Every person indicted shall be entitled to a copy of the depositions returned into Court on payment of ten cents per folio for the same, provided, (if the same are not demanded before the opening of the Assizes, Term, Sittings or Sessions,) the Court is of opinion that the same can be made without delay to the trial, but not otherwise; but the Court may, if it see fit, postpone the trial on account of such copy of the depositions not having been previously had by the person charged.

Verdict and punishment in cases where offences are not completed.

49. If, on the trial of any person charged with any felony or misdemeanor, it appears to the jury, upon the evidence, that the defendant did not complete the offence charged, but that he was guilty only of an attempt to commit the same, such person shall not, by reason thereof, be entitled to be acquitted, but the jury shall be at liberty to return as their verdict that the defendant is not guilty of the felony or misdemeanor charged, but is guilty of an attempt to commit the same; and thereupon such person shall be liable to be punished in the same manner as if he had been convicted upon an indictment for attempting to commit the particular felony or misdemeanor charged in the indictment; and no person tried as lastly mentioned shall be liable to be afterwards prosecuted for committing or attempting to commit the felony or misdemeanor for which he was so tried.

Persons tried for misdemeanor and found guilty of felony not to be acquitted.

50. If, upon the trial of any person for any misdemeanor, it appears that the facts given in evidence, while they include such misdemeanor, amount in law to a felony, such person shall not, by reason thereof, be entitled to be acquitted of such misdemeanor, (and the person tried for such misdemeanor, if convicted, shall not be liable to be afterwards prosecuted for felony on the same facts,) unless the Court before which such trial is had thinks fit, in its discretion, to discharge the jury from giving any verdict upon such trial, and to direct such person to be indicted for felony, in which case such person may be dealt with in all respects as if he had not been put upon his trial for such misdemeanor.

Proviso.

Verdict of assault in cases of felony including assault.

51. On the trial of any person for any felony whatever, where the crime charged includes an assault against the person, although an assault be not charged in terms, the Jury may acquit of the felony, and find a verdict of guilty of assault against the person indicted, if the evidence warrants such finding, and the person so convicted shall be liable to be imprisoned in the Penitentiary for any term not exceeding five years and not less than two years, or to be imprisoned in any other gaol or place of confinement for any term less than two years.

Non-liability for attempt after trial for commission.

52. No person shall be tried or prosecuted for an attempt to commit any felony or misdemeanor who has been previously tried for committing the same offence.

No enquiry concerning lands.

53. The jury empanelled to try any person for treason or felony shall not be charged to inquire concerning his lands, tenements or goods, nor whether he fled for such treason or felony.

54.

54. There shall be no forfeiture of any chattels, which may have moved to or caused the death of any human being, in respect of such death. No deodand.

55. Except in cases of treason, or of abetting, procuring or counselling the same, no attainder shall extend to the disinheriting of any heir, or to the prejudice of the right or title of any person, other than the right or title of the offender during his natural life only. Except for high treason attainder not to disinherit the heir.

56. Every person to whom, after the death of any such offender, the right or interest to or in any lands, tenements or hereditaments, should or would have appertained if no such attainder had taken place, may, after the death of such offender, enter into the same. The heir may enter after death of offender.

Jury separating, &c.

57. In all criminal cases, less than felony, the Jury may, in the discretion of the Court, and under its direction as to the conditions, mode and time, be allowed to separate during the progress of the trial. Court may allow Jury to separate in certain cases.

Evidence—Witnesses.

58. Depositions taken in the preliminary or other investigation of any charge against any person may be read as evidence in the prosecution of such person for any other offence whatsoever, upon the like proof and in the same manner, in all respects, as they may according to law be read in the prosecution of the offence with which such person was charged when such depositions were taken. Depositions taken on one charge may be read in prosecution of others.

59. If any witness in any criminal case, cognizable by indictment in any Court of criminal jurisdiction at any term, sessions, or sittings of any such Court in any part of Canada, resides in any part thereof, not within the ordinary jurisdiction of the Court before which such criminal case is cognizable, such Court may issue a Writ of Subpœna, directed to such witness, in like manner as if such witness were resident within the jurisdiction of the Court; and in case such witness does not obey such Writ of Subpœna, the Court issuing the same may proceed against such witness, for contempt or otherwise, or bind over such witness to appear at such days and times as may be necessary, and upon default being made in such appearance, may cause the recognizances of such witness to be estreated, and the amount thereof to be sued for and recovered by process of law, in like manner as if such witness were resident within the jurisdiction of the Court. Witnesses within Canada but without the jurisdiction of the Court.

60. When the attendance of any person confined in a Penitentiary or in any other prison or gaol in Canada, or upon the limits of any gaol, is required in any Court of criminal jurisdiction in any case cognizable therein by indictment, the Court before whom such Witnesses confined in a Penitentiary, &c.

such prisoner is required to attend may, or any judge of such Court, or of any Superior Court or County Court may, before or during any such term or sitting at which the attendance of such person is required, make an order upon the Warden of the Penitentiary, or upon the Sheriff, Gaoler or other person having the custody of such prisoner, to deliver such prisoner to the person named in such order to receive him, and such person shall at the time prescribed in such order, convey such prisoner to the place at which such person is required to attend, there to receive and obey such further order as to the said Court may seem meet.

Quaker may make solemn affirmation; form given.

61. Any Quaker, or other person, allowed by law to affirm instead of swearing in civil cases, or solemnly declaring that the taking of any oath is, according to his religious belief, unlawful, who is required to give evidence in any criminal case, shall, instead of taking an oath in the usual form, be permitted to make his solemn affirmation or declaration beginning with the words following, that is to say: "I, A. B., do solemnly, sincerely and truly declare and affirm"; which said affirmation or declaration shall be of the same force and effect as if such Quaker or other person as aforesaid, had taken an oath in the usual form.

Who may be admitted as witnesses.

62. No person offered as a witness shall, by reason of any alleged incapacity from crime or interest, be excluded from giving evidence on the trial of any criminal case, or in any proceeding relating or incidental to such case.

An interest in the question, or a conviction not to disqualify.

63. Every person so offered shall be admitted and be compellable to give evidence on oath, or solemn affirmation where an affirmation is receivable, notwithstanding that such person has or may have an interest in the matter in question, or in the event of the trial in which he is offered as a witness, or of any proceeding relating or incidental to such case, and notwithstanding that such person so offered as a witness, has been previously convicted of a crime or offence.

Cross-examination as to previous statements in writing.

64. Upon any trial, a witness may be cross-examined as to previous statements made by him in writing, or reduced into writing, relative to the subject matter of the case, without such writing being shown to him; but if it is intended to contradict the witness by the writing, his attention must, before such contradictory proof can be given, be called to those parts of the writing which are to be used for the purpose of so contradicting him; and the Judge at any time during the trial, may require the production of the writing for his inspection, and he may thereupon make such use of it for the purposes of the trial as he thinks fit.

Proof of previous conviction of a witness may be given, if he denies it, &c.

65. A witness may be questioned as to whether he has been convicted of any felony or misdemeanor, and upon being so questioned, if he either denies the fact or refuses to answer, the opposite party may prove such conviction, and a certificate, as provided in section twenty-six, shall, upon proof of the identity of the witness

as

as such convict, be sufficient evidence of his conviction, without proof of the signature or the official character of the person appearing to have signed the certificate.

When attesting witness need not be called.

66. It shall not be necessary to prove by the attesting witness any instrument to the validity of which attestation is not requisite, and such instrument may be proved by admission or otherwise, as if there had been no attesting witness thereto.

Comparison of disputed writing with genuine.

67. Comparison of a disputed writing with any writing proved to the satisfaction of the Court to be genuine, shall be permitted to be made by witnesses; and such writings and the evidence of witnesses respecting the same, may be submitted to the Court and Jury, as evidence of the genuineness or otherwise of the writing in dispute.

How far a party may discredit his own witness.

68. A party producing a witness shall not be allowed to impeach his credit by general evidence of bad character, but in case the witness in the opinion of the Court, proves adverse, such party may contradict him by other evidence, or by leave of the Court, may prove that the witness made at other times a statement inconsistent with his present testimony; but before such last mentioned proof can be given, the circumstances of the supposed statement, sufficient to designate the particular occasion, must be mentioned to the witness, and he must be asked whether or not he did make such statement.

Proof of contradictory statements by witness.

69. If a witness, upon cross-examination as to a former statement made by him, relative to the subject matter of the case, and inconsistent with his present testimony, does not distinctly admit that he did make such statement, proof may be given that he did in fact make it; but before such proof can be given, the circumstances of the supposed statement, sufficient to designate the particular occasion, must be mentioned to the witness, and he must be asked whether or not he did make such statement.

Variances,—Records.

Variances, how corrected.

70. When in the indictment whereon a trial is pending before any Court of Criminal Jurisdiction in Canada, any variance appears between any matter in writing or in print produced in evidence, and the recital or setting forth thereof, such Court may cause the indictment to be forthwith amended in such particular or particulars by some officer of the Court, and after such amendment the trial shall proceed in the same manner in all respects, both with regard to the liability of witnesses to be indicted for perjury, and otherwise, as if no such variance had appeared.

Court may order indictment to be amended, to agree with evidence.

71. Whenever on the trial of an indictment for any felony or misdemeanor any variance appears between the statement in such indictment and the evidence offered in proof thereof, in names, dates, places or other matters or circumstances therein mentioned, not

not material to the merits of the case, and by the misstatement whereof the person on trial cannot be prejudiced in his defence on such merits, the Court before which the trial is pending may order such indictment to be amended according to the proof, by some officer of the Court or other person, both in that part of the indictment where the variance occurs, and in every other part of the indictment which it may become necessary to amend, on such terms as to postponing the trial to be had before the same or another jury as such Court thinks reasonable, and if the trial be postponed the Court may respite the recognizances of the prosecutor and witnesses and of the defendant and his sureties (if any), in which case they shall respectively be bound to attend at the time and place to which the trial is postponed without entering into new recognizances, and as if such time and place had been mentioned in the recognizances respited, as those at which they were respectively bound to appear.

Conditions may be imposed by the Court.

And the trial afterwards proceeded with.

72. After any such amendment the trial shall proceed, whenever the same is proceeded with, in the same manner and with the same consequences, both with respect to the liability of witnesses to be indicted for perjury and in all other respects, as if no such variance had occurred.

Order for amending recorded.

73. In such case the order for the amendment shall be endorsed on the Record and all other rolls and proceedings connected therewith shall be amended accordingly by the proper officer, and filed with the indictment, among the proper records of the Court.

In case of trial before a second jury.

74. When any such trial is had before a second jury, the Crown and the defendant respectively shall be entitled to the same challenges as they were entitled to with respect to the first jury.

Verdict, &c., to be valid after amendment.

75. Every verdict and judgment given after the making of any such amendment shall be of the same force and effect in all respects as if the indictment had originally been in the same form in which it is after such amendment has been made.

Formal record how to be drawn up.

76. If it becomes necessary to draw up a formal record in any case where an amendment has been made as aforesaid, such record shall be drawn up in the form in which the indictment remained after the amendment was made, without taking any notice of the fact of such amendment having been made.

Record of conviction or acquittal.

77. In making up the record of any conviction or acquittal on any indictment, it shall be sufficient to copy the indictment with the plea pleaded thereto, without any formal caption or heading, and the statement of the arraignment and the proceedings subsequent thereto, shall be entered of record in the same manner as before the passing of this Act, subject to any such alterations in the forms of such entry, as may from time to time be prescribed by any rule or rules of the Superior Courts of Criminal Jurisdiction respectively, which rules shall also apply to such Inferior Courts of Criminal jurisdiction as shall be therein designated.

Formal

Formal defects cured after verdict.

78. No judgment upon any indictment for any felony or misdemeanor whether after verdict or outlawry, or by confession, default or otherwise, shall be stayed or reversed for want of the averment of any matter unnecessary to be proved, nor for the omission of the words, "as appears by the record," or of the words "with force and arms," or of the words "against the peace," nor for the insertion of the words "against the form of the Statute," instead of the words, "against the form of the Statutes," or *vice versâ*, or the omission of such words or words of like import, nor for that any person mentioned in the indictment is designated by a name of office or other descriptive appellation, instead of his proper name, nor for want of or any imperfection in the addition of any defendant or other person, nor for omitting to state the time at which the offence was committed in any case where time is not of the essence of the offence, nor for stating the time imperfectly, nor for stating the offence to have been committed on a day subsequent to the finding of the indictment, or exhibiting the information, or on an impossible day, or on a day that never happened, nor for want of the statement of the value or price of any matter or thing, or the amount of damage, injury or spoil, in any case where such value, price, damage, injury or spoil, is not of the essence of the offence, nor for the want of a proper or perfect venue, where the Court appears by the indictment to have had jurisdiction over the offence. What defects not to vitiate an indictment after verdict or conviction by confession or otherwise.

79. Judgment, after verdict upon an indictment for any felony or misdemeanor, shall not be stayed or reversed for want of a similiter, nor by reason that the Jury process has been awarded to a wrong officer, upon an insufficient suggestion, nor for any misnomer or misdescription of the officer returning such process, or of any of the jurors, nor because any person has served upon the Jury who was not returned as a Juror by the Sheriff or other officer; and where the offence charged is an offence created by any Statute, or subjected to a greater degree of punishment by any Statute, the indictment shall, after verdict, be held sufficient, if it describes the offence in the words of the Statute creating the offence, or prescribing the punishment, although they be disjunctively stated or appear to include more than one offence, or otherwise. Certain formal defects not to stay or reverse judgment after verdict.

Appeal and New Trial.

80. So much of the chapter thirteen or of chapter one hundred and thirteen of the Consolidated Statutes for Upper Canada, as allows any Appeal to the Court of Error and Appeal, in any criminal case where the conviction has been affirmed by either of the Superior Courts of Common law, on any question of law reserved for the opinion of such Court, is hereby repealed as regards any conviction had after this Act is in force, and the judgment of such Superior Court on any question so reserved shall be final and conclusive; and so much of chapter one hundred and Laws of Ontario and Quebec amended as regards new trials, and appeals in criminal cases.

and thirteen of the said Consolidated Statutes, or of chapter seventy-seven of the Consolidated Statutes for Lower Canada, or of any other Act, as would authorize any Court in the Province of Ontario or of Quebec, to order or grant a new trial in any criminal case, shall be and so much of any of the said Acts is hereby repealed, as regards any conviction had after the coming into force of this Act; and no writ of error shall be allowed in any criminal case unless it be founded on some question of law which could not have been reserved, or which the Judge presiding at the trial refused to reserve for the consideration of the Court having jurisdiction in such cases; But nothing in this section shall be construed to prevent the subsequent trial of the offender for the same offence, in any case where the conviction is declared bad for any cause which makes the former trial a nullity, so that there was no lawful trial in the case.

Proviso.

Punishments, Penitentiary, &c.

Pillory abolished.

81. The punishment of the pillory shall not be awarded by any Court.

Persons convicted on confession, &c.

82. Any person indicted for any offence made capital by any statute, shall be liable to the same punishment, whether he be convicted by verdict or confession, and this, as well in the case of accessories as of principals.

Second conviction for felony.

83. If any person be convicted of felony not punishable with death, committed after a previous conviction for felony, such person shall, on subsequent conviction, be imprisoned in the Penitentiary for life or for any term not less than two years, or be imprisoned in any other gaol or place of confinement for any term less than two years, with or without hard labour, unless some other punishment be directed by any statute for the particular offence in which case the offender shall be liable to the punishment thereby awarded, and not to any other.

Punishment of persons convicted of escape or felonious rescue, &c.

84. Whosoever escapes from or rescues, or aids in rescuing any other person from lawful custody, or makes or causes any breach of prison, if such offence does not amount to felony, is guilty of misdemeanor, and shall be liable to be imprisoned in any gaol or place of confinement for any period less than two years;—and whosoever is convicted of a felonious rescue, shall in any case where no special punishment is provided by any statute, be liable to be imprisoned in the Penitentiary for any term not exceeding seven years, and not less than two years, or to be imprisoned in any other gaol or place of confinement for any term less than two years, with or without hard labour, and with or without solitary confinement.

Unlawfully procuring discharge of prisoner.

85. Whosoever knowingly and unlawfully, under colour of any pretended authority, directs or procures the discharge of any prisoner not entitled to be so discharged, is guilty of misdemeanor, and

and shall be liable to be imprisoned in any gaol or place of confinement for any period less than two years, and the person so discharged shall be held to have escaped.

86. Whosoever is convicted of fraud or of cheating or of conspiracy, shall, in any case where no special punishment is provided by any statute, be liable to be imprisoned in the Penitentiary for any term not exceeding seven years, and not less than two years, or to be imprisoned in any other gaol or place of confinement for any term less than two years, with or without hard labour, and with or without solitary confinement. Punishment for fraud or cheating.

87. Any person escaping from imprisonment shall, on being retaken, undergo in the prison he escaped from, the remainder of his term unexpired at the time of his escape, in addition to the punishment which may be awarded for such escape. Prisoners escaping, how punished.

88. Every person convicted of felony not punishable with death shall be punished in the manner (if any) prescribed by the Statute or Statutes especially relating to such felony; and every person convicted of any felony for which no punishment is specially provided, shall be liable to be imprisoned in the Penitentiary for life or for any term not less than two years, or in any other gaol or place of confinement for any term less than two years, with or without hard labour and with or without solitary confinement. Felony not punishable with death, how punishable.

89. When an offender is by law liable to be punished by imprisonment for life or for an indefinite term of years, the length of any such term shall be in the discretion of the Court passing sentence upon the person convicted; and when so liable for a term not exceeding a certain number of years, the length of such term shall likewise be in the discretion of the Court, within such limits (if any) as are prescribed by any statute in that behalf. When length of imprisonment is at discretion of the Court.

90. When imprisonment is to be awarded for any offence, and no definite period is fixed by law, the term of such imprisonment shall always be in the discretion of the Court passing the sentence; and when a fine is to be awarded for any offence and no amount is fixed, the amount shall be in the discretion of the Court passing the sentence. When length of imprisonment and amount of fine are at the discretion of the Court.

91. The period of imprisonment in pursuance of any sentence shall commence on and from the day of passing such sentence, but no time, during which the convict may be out on bail, shall be reckoned as part of the term of imprisonment to which he is sentenced. Commencement of term of imprisonment.

92. Whenever sentence is passed for felony on a person already imprisoned under sentence for another crime, the Court may award imprisonment for the subsequent offence, to commence at the expiration of the imprisonment to which such person has been previously sentenced; and where such person is already under sentence If a person under sentence for any other crime be convicted of felony, &c.

sentence of imprisonment, the Court may award sentence for the subsequent offence, to commence at the expiration of the imprisonment for which such person has been previously sentenced, although the aggregate term of imprisonment may exceed the term for which such punishment could otherwise have been awarded, and such subsequent imprisonment, if for any term not less than two years, shall be in the Penitentiary.

Imprisonment elsewhere than in the Penitentiary.

93. When the sentence of imprisonment is for a term less than two years, such imprisonment shall, if no other place be expressly mentioned, be in the common gaol of the district, county or place in which the sentence is pronounced, or if there be no common gaol there, then in that common gaol which is nearest to such locality, or in some lawful prison or place of confinement other than the Penitentiary, in which the sentence of imprisonment may be lawfully executed.

Imprisonment in other places of confinement.

94. When a person has been convicted of an offence for which imprisonment other than in the Penitentiary may be awarded, then the Court may sentence the offender to be imprisoned, or if hard labour be part of the punishment, to be imprisoned and kept to hard labour in the common gaol, or other place of confinement, and if solitary confinement be part of the punishment, may also direct that the offender shall be kept in solitary confinement, for a portion or for portions of the term of such imprisonment, not exceeding one month at any one time, and not exceeding three months in any one year.

Solitary confinement.

Whipping.

95. Whenever whipping may be awarded for any indictable offence, the Court may sentence the offender to be once or oftener (but not more than three times) whipped within the limits of the prison under the supervision of the medical officer of the prison; and the number of the strokes, and the instrument with which they shall be inflicted, shall be specified by the Court in the sentence.

Penitentiaries.

96. Each of the Penitentiaries in Canada shall be maintained as a Prison for the confinement and reformation of persons, male and female, lawfully convicted of crime before the Courts of Criminal Jurisdiction of that Province for which it is appointed to be the Penitentiary, and sentenced to confinement for life or for a term not less than two years; and whenever any offender is punishable by imprisonment, such imprisonment, if it be for life or for two years or any longer term, shall be in the Penitentiary; but this shall not prevent the reception and imprisonment in any Penitentiary of any prisoner sentenced for any period of time by any Military, Naval or Militia Court Martial, or by any Military or Naval authority under any Mutiny Act, or of any prisoner sentenced in New Brunswick or Nova Scotia, to imprisonment with hard labour for less than two years.

Proviso.

Sentence to Penitentiary

97. The sentence of any person to be imprisoned in the Penitentiary shall (whether expressed or not) include hard labour, and

and the offender so sentenced shall be subject to the discipline and regulations of the Penitentiary, prescribed or made by lawful authority under any statute in that behalf. to include hard labour.

Reformatory Prisons.

98. Provided always, that the Court before which any offender whose age at the time of his trial, does not in the opinion of the Court exceed sixteen years, is convicted, whether summarily or otherwise, of any offence punishable by imprisonment for not more than five years nor less than six months, may, in its discretion, sentence such offender to imprisonment in the Reformatory Prison (if any,) in the Province in which such conviction takes place, and such imprisonment shall in such case be substituted for the imprisonment in the Penitentiary or other place of confinement, by which the offender would otherwise be punishable under any Act or law relating thereto, which shall be construed subject to this provision. Juvenile offenders may be sent to Reformatory Prison.

Insane Prisoners.

99. In all cases where it is given in evidence upon the trial of any person charged with any offence, whether the same be treason, felony or misdemeanor, that such person was insane at the time of the commission of such offence, and such person is acquitted, the Jury shall be required to find specially whether such person was insane at the time of the commission of such offence, and to declare whether he is acquitted by them on account of such insanity; and if they find that such person was insane at the time of committing such offence, the Court before whom such trial is had, shall order such person to be kept in strict custody in such place and in such manner as to the Court seems fit, until the pleasure of the Lieutenant-Governor be known. Jury acquitting prisoner on ground of insanity, to state so in their verdict.

100. The Lieutenant-Governor of the Province in which the case occurs may thereupon give such order for the safe custody of such person during his pleasure, in such place and in such manner as to him seems fit. Lt.-Governor may order such person to be kept in safe custody.

101. In all cases where any person, before the passing of this Act, has been acquitted of any such offence on the ground of insanity at the time of the commission thereof, and has been detained in custody as a dangerous person by order of the Court before whom such person was tried, and still remains in custody, the Lieutenant-Governor may give the like order for the safe custody of such person during pleasure, as he is hereby enabled to give in the case of persons acquitted under the ninety-ninth section of this Act, on the ground of insanity. Lt.-Governor may give like order in certain other cases.

102. If any person indicted for any offence be insane, and upon arraignment be so found by a jury empannelled for that purpose, so that such person cannot be tried upon such indictment, or if, upon the trial of any person so indicted, such person appears to the Similar provisions with respect to persons indicted for

Jury

any offence, and found to be insane by a jury.

Jury charged with the indictment to be insane, the Court, before whom such person is brought to be arraigned, or is tried as aforesaid, may direct such finding to be recorded, and thereupon may order such person to be kept in strict custody until the pleasure of the Lieutenant-Governor be known.

If jury find such person insane, Court may direct such person to be kept in safe custody.

103. If any person charged with an offence be brought before any Court to be discharged for want of prosecution, and such person appears to be insane, the Court shall order a jury to be empannelled to try the sanity of such person, and if the jury so empannelled find him to be insane, the Court shall order such person to be kept in strict custody, in such place and in such manner as to the Court seems fit, until the pleasure of the Lieutenant-Governor be known.

In such cases Lt.-Governor may give orders, &c.

104. In all cases of insanity so found, the Lieutenant-Governor may give such order for the safe custody, during pleasure, of the person so found to be insane, in such place and in such manner as to him seems fit.

Persons becoming insane while in prison.

105. The Lieutenant-Governor, upon the certificate of two Justices of the Peace, and two duly licensed Medical Practitioners, that any person imprisoned for an offence is insane, may order his removal to a place of safe keeping, there to remain until his sanity shall be certified to the satisfaction of the Lieutenant-Governor, who may then order him back to imprisonment, if then liable thereto, or otherwise to be discharged.

Capital Punishment, Execution of.

Court to direct execution of sentence.

106. Whenever any offender has been convicted before any Court of Criminal Jurisdiction, of an offence for which such offender is liable to and receives sentence of death, the Court shall order and direct execution to be done on the offender in the manner provided by law.

Report of case by the Judge unnecessary.

Reprieve in certain cases.

107. In the case of any prisoner sentenced to the punishment of death, it shall not be necessary for the Judge, before whom such prisoner has been convicted, to make any report of the case previously to the sentence being carried into execution, but if the Judge thinks such prisoner ought to be recommended for the exercise of the Royal mercy, or if from the non-decision of any point of law reserved in the case, or from any other cause, it becomes necessary to delay the execution, he, or any other judge of the same court, or who might have held or sat in such court, may, from time to time, either in term or in vacation, reprieve such offender for such period or periods beyond the time fixed for the execution of the sentence as may be necessary for the consideration of the case by the Crown.

Treatment of persons condemned.

108. Every person sentenced to suffer death shall, after judgment, be confined in some safe place within the prison, apart from all other prisoners, and no person but the gaoler and his servants, the

the Medical officer or surgeon of the Prison, a Chaplain or a Minister of religion, shall have access to any such convict, without the permission, in writing, of the Court or Judge before whom such convict has been tried, or of the Sheriff.

109. Judgment of death to be executed on any prisoner after the coming into force of this Act, shall be carried into effect within the walls of the prison in which the offender is confined at the time of execution. Judgment to be executed within walls of prison.

110. The Sheriff charged with the execution, and the Gaoler and Medical officer or Surgeon of the prison, and such other officers of the prison and such persons as the Sheriff requires, shall be present at the execution. Sheriff, &c., to be present.

111. Any Justice of the Peace for the district, county, or place to which the prison belongs, and such relatives of the prisoner or other persons as it seems to the Sheriff proper to admit within the prison for the purpose, and any minister of religion who may desire to attend, may also be present at the execution. Justices of the Peace, &c., may be present.

112. As soon as may be after judgment of death has been executed on the offender, the Medical officer or Surgeon of the prison shall examine the body of the offender, and shall ascertain the fact of death, and shall sign a certificate thereof, and deliver the same to the Sheriff. Surgeon to certify death.

113. The Sheriff, and the Gaoler of the prison, and such Justices and other persons present (if any) as the Sheriff requires or allows, shall also sign a declaration to the effect that judgment of death has been executed on the offender. Declaration to be signed by Sheriff, &c.

114. The duties imposed upon the Sheriff, Gaoler, Medical Officer or Surgeon by the four next preceding sections, may and shall in his absence be performed by his lawful deputy or assistant, or other officer or person ordinarily acting for him, or conjointly with him, in the performance of his duties. Deputies may act.

115. A Coroner of the district, county or place to which the prison belongs, wherein judgment of death is executed on any offender, shall, within twenty-four hours after the execution, hold an inquest on the body of the offender, and the jury at the inquest shall enquire into and ascertain the identity of the body, and whether judgment of death was duly executed on the offender; and the inquisition shall be in duplicate, and one of the originals shall be delivered to the Sheriff. Coroner's inquest on body.

116. No officer of the prison or prisoner confined therein shall, in any case, be a juror on the inquest. Officers not to be jurors.

117. The body of every offender executed shall be buried within the walls of the prison within which judgment of death is executed Burial of body.

executed on him, unless the Lieutenant Governor in Council being satisfied that there is not, within the walls of any prison, sufficient space for the convenient burial of offenders executed therein, permits some other place to be used for the purpose.

Governor in Council to make Rules, &c., as to executions.

118. The Governor in Council may, from time to time, make such rules and regulations to be observed on the execution of judgment of death in every prison, as he may from time to time deem expedient for the purpose, as well of guarding against any abuse in such execution, as also of giving greater solemnity to the same, and of making known without the prison walls the fact that such execution is taking place.

Such Rules to be laid before Parliament.

119. All such rules and regulations shall be laid upon the tables of both Houses of Parliament within six weeks after the making thereof, or if Parliament be not then sitting, within fourteen days after the next meeting thereof.

Penalty for signing false certificate.

120. If any person knowingly and wilfully signs any false certificate or declaration required with respect to any execution, he shall be guilty of a misdemeanor, and on conviction thereof shall be liable, at the discretion of the Court, to imprisonment for any term less than two years, with or without hard labour, and with or without solitary confinement.

Certificate, &c., to be sent to Secretary of State, and exhibited at entrance to prison.

121. Every certificate and declaration, and the duplicate of the inquest required by this Act, shall in each case be sent with all convenient speed by the Sheriff to the Secretary of State of Canada, or to such other officer as may from time to time be appointed for the purpose by the Governor in Council, and printed copies of the same several instruments shall, as soon as possible, be exhibited, and shall, for twenty-four hours at least, be kept exhibited, on or near the principal entrance of the prison within which judgment of death is executed.

Forms in schedule B. to be used.

122. The forms given in the schedule B to this Act, with such variations or additions as circumstances require, shall be used for the respective purposes in that schedule indicated, and according to the directions therein contained.

Saving clause as to legality of execution.

123. The omission to comply with any provision of the next preceding fourteen sections of this Act shall not make the execution of judgment of death illegal in any case where such execution would otherwise have been legal.

General provisions.

124. Except in so far as is hereby otherwise provided, judgment of death shall be carried into effect in the same manner as if the said fourteen sections had not been passed.

Pardons.

Pardon when party is committed for

125. The Crown may extend the Royal mercy to any person sentenced to imprisonment by virtue of any Statute, although such

such person be imprisoned for non-payment of money to some party other than the Crown. non-payment of moneys.

126. When the Crown is pleased to extend the Royal mercy to any offender convicted of a felony punishable with death or otherwise and by warrant under the Royal Sign Manual, countersigned by one of the principal Secretaries of State, or by warrant under the hand and seal at arms of the Governor General, grants to such offender either a free or a conditional pardon, the discharge of such offender out of custody, in case of a free pardon, and the performance of the condition in the case of a conditional pardon, shall have the effect of a pardon under the Great Seal, of such offender, as to the felony for which such pardon has been granted; but no free pardon, nor any discharge in consequence thereof, nor any conditional pardon, nor the performance of the condition thereof, in any of the cases aforesaid, shall prevent or mitigate the punishment to which the offender might otherwise be lawfully sentenced, on a subsequent conviction for any felony or offence other than that for which the pardon was granted. Effect of pardon.

127. The Crown may commute the Sentence of Death passed upon any person convicted of a capital crime, to imprisonment in the Penitentiary for life, or for any term of years not less than two years, or to imprisonment in any other gaol or place of confinement for any period less than two years with or without hard labour, and with or without solitary confinement; and an instrument under the hand and seal at arms of the Governor General declaring such commutation of sentence, or a letter or other instrument under the hand of the Secretary of State of Canada or for the Provinces, or the lawful Deputy of either, shall be sufficient authority to any of Her Majesty's Judges or Justices, having jurisdiction in such cases, or to any sheriff or officer to whom such letter or instrument is addressed, to give effect to such commutation, and to do all such things and to make such orders, and to give such directions, as may be requisite for the change of custody of such convict, and for his conduct to and delivery at such gaol or place of confinement, or Penitentiary, and his detention therein, according to the terms on which his sentence has been commuted. Governor may commute sentence of death. Form and effect of commutation.

Undergoing sentence, equivalent to a pardon.

128. When any offender has been convicted of a felony not punishable with death, and has endured the punishment to which such offender was adjudged, or if such felony be punishable with death and the sentence has been commuted, then if such offender has endured the punishment to which his sentence was commuted, the punishment so endured shall, as to the felony whereof the offender was so convicted, have the like effects and consequences as a pardon under the Great Seal; But nothing herein contained, nor the enduring of such punishment, shall prevent or mitigate any punishment to which the offender might otherwise be lawfully sentenced, on a subsequent conviction for any other felony. Undergoing sentence equivalent to a pardon. Proviso.

129.

Royal prerogative saved.

129. Nothing in this Act shall or doth in any manner limit or affect Her Majesty's Royal prerogative of mercy.

Limitation of Actions and Prosecutions.

Limitation of actions and prosecutions.

130. All actions and prosecutions to be commenced against any person for anything purporting to be done in pursuance of any Act of the Parliament of Canada relating to Criminal Law, shall, unless otherwise provided for, be laid and tried in the district, county, or place where the fact was committed, and must be commenced within six months next after the fact committed, and not otherwise.

Notice to defendant.

131. Notice in writing of such action and of the cause thereof, must be given to the defendant, one month at least before the commencement of the action.

General issue.

132. In any such action the defendant may plead the general issue, and give this Act and the special matter in evidence at any trial to be had thereupon.

In case of tender of sufficient amends.

133. No plaintiff shall recover in any such action, if tender of sufficient amends be made, before such action brought, or if a sufficient sum of money be paid into Court after such action brought, by or on behalf of the defendant.

Recovery of costs.

134. If a verdict passes for the defendant, or the plaintiff becomes non-suit, or discontinues any such action after issue joined, or if, upon demurrer or otherwise, judgment be given against the plaintiff, the defendant shall recover his full costs as between attorney and client, and shall have the like remedy for the same as any defendant hath by law in other cases, and though a verdict or judgment be given for the plaintiff in any such action, such plaintiff shall not have costs against the defendant, unless the Judge, before whom the trial shall be, certifies his approval of the action.

Protection of Justices of the Peace, &c.

135. Nothing in the five next preceding sections shall prevent the effect of any Act in force in any Province of Canada, for the protection of Justices of the Peace or other officers from vexatious actions for things purporting to be done in the performance of their duty.

General Provisions.

Offences committed within the jurisdiction of the Admiralty.

136. When any felony, punishable under the laws of Canada, has been committed within the jurisdiction of any Court of Admiralty in Canada, the same may be dealt with, inquired of and tried and determined in the same manner as any other felony committed within that jurisdiction.

Laws relating to Army and Navy not affected.

137. Nothing contained in this Act shall alter or affect any of the laws relating to the government of Her Majesty's Land or Naval Forces.

138. This Act shall commence and take effect on the first day of January, one thousand eight hundred and seventy. Commencement of Act.

SCHEDULE A.

FORMS OF INDICTMENT REFERRED TO IN SECTION TWENTY-SEVEN.

Murder.

County (*or* District) of , to wit: } The Jurors for our Lady the Queen, upon their oath present, that A. B., on the day of in the year of our Lord, one thousand eight hundred and , at , in the County (*or* District) of did feloniously, wilfully, and of his malice aforethought, kill and murder one C. D.

Manslaughter.

County (*or* District) of , to wit: } *Same as last form, omitting* "wilfully, and of malice aforethought," *and substituting the word* "slay" *for the word* "murder."

Bodily Harm.

County (*or* District,) of , to wit: } The Jurors for our Lady the Queen, upon their oath present, that J. B. on the day of , at did feloniously administer to, (*or* cause to be taken by) one A. B. poison (or other destructive thing) and did thereby cause bodily harm to the said A.B., with intent to kill the said A. B., (*or* C. D.)

Rape.

County (*or* District) of to wit: } The Jurors for our Lady the Queen, upon their oath present that A.B., on the day of , at , by force and against her will, feloniously ravished and carnally knew C.D., a woman above the age of *twelve* years.

Simple Larceny.

County (*or* District) of , to wit: } The Jurors for our Lady the Queen, upon their oath present, that A. B., on the day of , at , did feloniously steal a *gold watch*, the property of C. D.

Robbery.

County (*or* District) of , to wit: } The Jurors for our Lady the Queen, upon their oath present, that A. B., on the day

day of , at , did feloniously rob C. D., (and at the time of, or immediately before or after such robbery, (*if the case be so,*) did cause grievous bodily harm to the said C. D.) (*or to any person, naming him.*)

Burglary.

County (*or* District) of to wit: } The Jurors for our Lady the Queen, upon their oath present, that A. B., on the day of , at , did feloniously break into and enter the dwelling house of C. D., in the night time, with intent to commit a felony therein, (*or as the case may be.*)

Stealing money.

County (*or* District) of , to wit: } The Jurors for our Lady the Queen, upon their oath present, that A. B., on the day of , at , did feloniously steal a certain sum of money, to wit, to the amount of dollars, the property of one C. D. (*or as the case may be*).

Embezzlement.

County (*or* District) of , to wit: } The Jurors for our Lady the Queen, upon their oath present, that A. B., on the day of , at , being a servant (*or* clerk) then employed in that capacity by one C. D., did then and there in virtue thereof, receive a certain sum of money to wit, to the amount of for and on account of the said C. D., and the said money did feloniously embezzle.

False Pretences.

County (*or* District) of , to wit: } The Jurors for our Lady the Queen, on their oath present, that A. B., on the day of, , at , unlawfully, fraudulently and knowingly by false pretences, did obtain from one C. D., *six yards of muslin*, of the goods and chattels of the said C. D., with intent to defraud.

Offences against the Habitation.

County (*or* District) of , to wit: } The Jurors for our Lady the Queen, upon their oath present, that A. B. on the day of , at , did feloniously and maliciously set fire to the dwelling house of C. D., the said C. D., (*or some other person by name, or if the name be unknown,* some person) being therein.

Malicious

Malicious Injuries to Property.

County (*or* District) of , to wit: } The Jurors for our Lady the Queen, upon their oath present, that A. B., on the day of , at , did feloniously and maliciously set fire, or attempt to set fire to a certain building or erection, that is to say, (a house *or* barn, *or* bridge, *or as the case may be*) the property of one C. D., (*or as the case may be*).

Forgery.

County (*or* District) of , to wit: } The Jurors for our Lady the Queen, upon their oath present, that A. B. on the day of , at , did feloniously forge (*or* utter, knowing the same to be forged) a certain *promissory note, &c.*, (*or* clandestinely and without the consent of the owner, did make an *alteration* in a certain written instrument with intent to defraud (*or as the case may be.*)

Coining.

County (*or* District) of , to wit: } The Jurors for our Lady the Queen, on their oath present, that A. B., on the day of , at , did feloniously counterfeit a gold coin of the United Kingdom, called a *sovereign*, current by law in Canada, with intent to defraud, *or*

had in his possession a counterfeit of a gold coin of the United Kingdom, called a *sovereign*, current by law in Canada, knowing the same to be counterfeit, and with intent to defraud by uttering the same.

Perjury.

County (*or* District) of , to wit: } The Jurors for our Lady the Queen, upon their oath present, that heretofore to wit, at the (*Assizes*) holden for the County (*or* District) of , on the day of , in the year of Our Lord one thousand eight hundred and , before , (*one of the Judges of our Lady the Queen,*) a certain issue between one E. F. and one J. H. in a certain action of *covenant*, was tried, upon which trial A. B. appeared as a witness for and on behalf of the said E. F., and was then and there duly *sworn* before the said and did then and there, upon his *oath* aforesaid, falsely, wilfully and corruptly depose and *swear* in substance and to the effect following, "*that he saw the said G. H. duly execute the deed on which the said action was brought,*" whereas, in truth, the said A. B. did not see the said G. H. execute the said deed, and the said deed was not executed by the said G. H., and the said A. B. did thereby commit wilful and corrupt perjury.

Subornation

Subornation of Perjury

County (*or* District) of , to wit: } *Same as last form to the end, and then proceed:*—And the Jurors further present, that before the committing of the said offence by the said A. B., to wit, on the day of , at , C. D., unlawfully, wilfully and corruptly did cause and procure the said A. B. to do and commit he said offence in manner and form aforesaid.

Offences against the Public Peace.

County (*or* District) of , to wit: } The Jurors for our Lady the Queen, upon their oath present, that A. B., on the day of , at , with *two* or more persons, did riotously and tumultuously assemble together to the disturbance of the public peace, and with force did demolish, pull down, or destroy, (*or* attempt or begin to demolish, &c.,) a certain building or erection of C. D.

Offences against the Administration of Justice.

County (*or* District) of , to wit: } The Jurors for our Lady the Queen, upon their oath present, that A. B., on the day of , at did corruptly take or receive money under pretence of helping C. D. to a chattel, (*or* money, &c.,) that is to say, a horse, (*or* five dollars, *or* a note, *or* a carriage,) which had been stolen, (*or as the case may be.*)

Bigamy or Offences against the Law for the Celebration of Marriage.

County (*or* District) of ,to wit: } The Jurors for our Lady the Queen, upon their oath present, that A. B., on the day of , at , being then married, did feloniously marry C. D. during the lifetime of the wife of the said A. B.—(*or* not being duly authorized, did celebrate (*or* assist in the celebration of,) a marriage between C. D. and E. F.,—*or* being duly authorized to marry did celebrate marriage between C. D. and E. F. before proclamation of banns according to law, *or* without a license for such marriage under the hand and seal of the Governor).

Offences relating to the Army.

County (*or* District) of , to wit: } The Jurors for our Lady the Queen, upon their oath present, that A. B. on the day of , at , did solicit (*or* procure) a soldier to desert the Queen's service, (*or as the case may be*).

Offences against Public Morals and Decency.

County (or District) of , to wit: } The Jurors for our Lady the Queen, upon their oath present, that A. B. on the

day

day of , at , did keep a common gaming, bawdy *or* disorderly house (*or* rooms).

General Form.

County (*or* District) of to wit: } The Jurors for our Lady the Queen, upon their oath present, that A. B., on the day of , at , did (*here describe the offence in the terms in which it is described in the law, or state such facts as constitute the offence intended to be charged, and if the offence be felony state the act to have been done feloniously*.

SCHEDULE B.

Certificate of Surgeon.—See section 122.

I, A. B., Surgeon (*or as the case may be*) of the (*describe the prison*), hereby certify that I, this day, examined the body of C. D., on whom judgment of death was this day executed in the said prison; and that on such examination I found that the said C. D. was dead.

(Signed,) A. B.

Dated this day of 18 .

Declaration of Sheriff and others.—See section 122.

We, the undersigned, hereby declare that judgment of death was this day executed on C. D., in the (*describe the prison*) in our presence.

Dated this day of 18 .

E. F., Sheriff of——
L. M., Justice of the Peace for——
G. H., Gaoler of——
&c., &c.

CAP. XXX.

An Act respecting the duties of Justices of the Peace, out of Sessions, in relation to persons charged with Indictable Offences.

[*Assented to 22nd June*, 1869.]

WHEREAS it is expedient to assimilate, amend and consolidate the Statute Laws of the several Provinces of Quebec, Ontario, Nova Scotia and New Brunswick, respecting the duties of Justices of the Peace out of sessions in relation to persons charged with indictable offences, and to extend the same as so consolidated to all Canada; Therefore, Her Majesty, by and **Preamble.**

and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

For what offences a Justice of the Peace may grant a warrant to cause a person charged therewith to be brought before him.

1. In all cases where a charge or complaint (A) is made before any one or more of Her Majesty's Justices of the Peace for any Territorial Division in Canada, that any person has committed, or is suspected to have committed, any treason or felony, or any indictable misdemeanor or offence within the limits of the jurisdiction of such Justice or Justices of the Peace, or that any person guilty or suspected to be guilty of having committed any such crime or offence elsewhere out of the jurisdiction of such Justice or Justices, is residing or being, or is suspected to reside or be within the limits of the jurisdiction of such Justice or Justices, then, and in every such case, if the person so charged or complained against is not in custody, such Justice or Justices of the Peace may issue his or their Warrant (B) to apprehend such person, and to cause him to be brought before such Justice or Justices, or any other Justice or Justices for the same Territorial Division.

In what cases the party may be summoned instead of issuing a warrant in the first instance.

2. In all cases the Justice or Justices to whom the charge or complaint is preferred, instead of issuing in the first instance his or their Warrant to apprehend the person charged or complained against, may, if he or they think fit, issue his or their Summons (C) directed to such person, requiring him to appear before the Justice or Justices, at the time and place to be therein mentioned, or before such other Justice or Justices of the same Territorial Division as may then be there, and if, after being served with the Summons in manner hereinafter mentioned, he fails to appear at such time and place, in obedience to such Summons, the Justice or Justices, or any other Justice or Justices of the Peace for the same Territorial Division, may issue his or their Warrant (D) to apprehend the person so charged or complained against, and cause such person to be brought before him or them, or before some other Justice or Justices of the Peace for the same Territorial Division, to answer to the charge or complaint, and to be further dealt with according to law; But any Justice or Justices of the Peace may, if he or they see fit, issue the Warrant hereinbefore first mentioned, at any time before or after the time mentioned in the Summons for the appearance of the accused party.

Warrant if summons is disobeyed.

Proviso.

As to indictable offences committed on the high seas, &c.

3. In all cases of indictable offences committed on the high seas, or in any creek, harbour, haven or other place, in which the Admiralty of England have or claim to have jurisdiction, and in all cases of offences committed on land beyond the seas for which an indictment may be preferred or the offender may be arrested in Canada, any one or more Justice or Justices for any territorial division in which any person charged with having committed, or being suspected to have committed any such offence, shall be or be suspected to be, may issue his or their warrant (D 2) to apprehend such person, to be dealt with as therein and hereby directed.

4.

4. In case an indictment be found by the Grand Jury in any Court of Criminal jurisdiction, against any person then at large, and whether such person has been bound by any Recognizance to appear to answer to any such charge or not, and in case such person has not appeared and pleaded to the indictment, the person who acts as Clerk of the Crown or Chief Clerk of such Court shall, at any time at the end of the term or sittings of the Court, at which the indictment has been found, upon application of the Prosecutor, or of any person on his behalf, and on payment of a fee of twenty cents, grant to such Prosecutor or person a certificate (F) of such indictment having been found; and upon production of such Certificate to any Justice or Justices of the Peace for the Territorial Division in which the offence is in the indictment alleged to have been committed, or in which the person indicted resides, or is supposed or suspected to reside or be, such Justice or Justices shall issue his or their Warrant (G) to apprehend the person so indicted, and to cause him to be brought before such Justice or Justices or any other Justice or Justices for the same Territorial Division, to be dealt with according to law. **Warrant to apprehend party against whom an indictment is found.**

5. If the person be thereupon apprehended and brought before any such Justice or Justices, such Justice or Justices, upon its being proved upon oath or affirmation before him or them that the person so apprehended is the person charged and named in the indictment, shall, without further inquiry or examination, commit (H) him for trial or admit him to bail in manner hereinafter mentioned. **Commitment, or bail.**

6. If the person so indicted is confined in any gaol or prison for any other offence than that charged in the indictment at the time of such application and production of such Certificate to the Justice or Justices, such Justice or Justices, upon its being proved before him or them upon oath or affirmation, that the person so indicted and the person so confined in prison are one and the same person, shall issue his or their Warrant (I) directed to the Gaoler or Keeper of the gaol or prison in which the person so indicted is then confined, commanding him to detain such person in his custody, until, by Her Majesty's Writ of Habeas Corpus, or by order of the proper Court he be removed therefrom for the purpose of being tried upon the said indictment, or until he be otherwise removed or discharged out of his custody by due course of law. **If person indicted be already in prison for some other offence, Justice may order him to be detained until removed by writ of *habeas corpus* or otherwise, or discharged.**

7. Nothing in this Act contained shall prevent the issuing or execution of Bench Warrants, whenever any Court of competent jurisdiction thinks proper to order the issuing of any such Warrant. **Not to prevent Bench Warrants.**

8. Any Justice or Justices of the Peace may grant or issue any Warrant as aforesaid, or any Search Warrant, on a Sunday as well as on any other day. **Warrant may be issued on Sunday.**

If a warrant is to be issued, information to be upon oath, &c,

9. In all cases when a charge or complaint for an indictable offence is made before any Justice or Justices, if it be intended to issue a Warrant in the first instance against the party charged, an information and complaint thereof (A) in writing on the oath or affirmation of the informant, or of some witness or witnesses in that behalf, shall be laid before such Justice or Justices.

And so in case of summons, unless otherwise provided.

10. When it is intended to issue a Summons instead of a Warrant in the first instance, the information and complaint shall also be in writing, and be sworn to or affirmed in manner aforesaid except only in cases where by some Act or Law it is specially provided that the information and complaint may be by parole merely, and without any oath or affirmation to support or substantiate the same.

No objection allowed for alleged defect.

11. No objection shall be taken or allowed to any information and complaint for any alleged defect therein in substance or in form, or for any variance between it and the evidence adduced on the part of the prosecution, before the Justice or Justices who take the examination of the witnesses in that behalf.

In what cases Justice may grant a warrant to search dwelling houses, &c.

12. If a credible witness proves upon oath (E 1) before a Justice of the Peace, that there is reasonable cause to suspect that any property whatsoever, on or with respect to which any larceny or felony has been committed, is in any dwelling house, outhouse, garden, yard, croft or other place or places, the Justice may grant a Warrant (E 2) to search such dwelling house, garden, yard, croft or other place or places, for such property, and if the same, or any part thereof be then found, to bring the same and the person or persons in whose possession such house or other place then is, before the Justice granting the warrant, or some other Justice for the same Territorial Division.

Upon complaint, Justice may issue Summons or Warrant for appearance of party charged.

13. Upon information and complaint as aforesaid, the Justice or Justices receiving the same may, if he or they think fit, issue his or their Summons or Warrant as hereinbefore directed, to cause the person charged to be and appear as therein and thereby directed; and every Summons (C) shall be directed to the party so charged by the information, and shall state shortly the matter of such information, and shall require the party to whom it is directed to be and appear at a certain time and place therein mentioned, before the Justice who issues the Summons, or before such other Justice or Justices of the Peace for the same territorial Division as may then be there, to answer to the charge, and to be further dealt with according to law.

How summons to be served.

14. Every such Summons shall be served by a Constable or other Peace officer upon the person to whom it is directed, by delivering the same to the party personally, or if he cannot conveniently be met with, then by leaving the same for him with some person at his last or usual place of abode.

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15. The Constable or other Peace Officer who serves the same shall attend at the time and place, and before the Justice or Justices in the Summons mentioned, to depose, if necessary, to the service of the Summons. Constables, &c., to attend and prove service.

16. If the person served does not appear before the Justice or Justices, at the time and place mentioned in the Summons, in obedience to the same, the Justice or Justices may issue his or their Warrant (D) for apprehending the party so summoned, and bringing him before him or them, or before some other Justice or Justices for the same Territorial Division to answer the charge in the information and complaint mentioned, and to be further dealt with according to law. If party summoned does not attend, Justice may issue a warrant.

17. Every Warrant (B) hereafter issued by any Justice or Justices of the Peace to apprehend any person charged with any indictable offence, shall be under the hand and seal, or hands and seals, of the Justice or Justices issuing the same, and may be directed to all or any of the Constables or other Peace Officers of the Territorial Division within which the same is to be executed, or to any such Constable and all other Constables or Peace Officers in the Territorial Division within which the Justice or Justices issuing the same has jurisdiction, or generally to all the Constables or Peace Officers within such last mentioned Territorial Division; and it shall state shortly the offence on which it is founded, and shall name or otherwise describe the offender, and it shall order the person or persons to whom it is directed to apprehend the offender, and bring him before the Justice or Justices issuing the Warrant, or before some other Justice or Justices of the Peace for the same Territorial Division, to answer to the charge contained in the information, and to be further dealt with according to law. Warrant to apprehend parties to be under the hand and seal of Justice: and to whom addressed, &c.

18. It shall not be necessary to make the warrant returnable at any particular time, but the same may remain in force until executed. Warrant may remain in force until executed.

19. Such Warrant may be executed by apprehending the offender at any place in the Territorial Division within which the Justice or Justices issuing the same have jurisdiction, or in case of fresh pursuit, at any place in the next adjoining Territorial Division, and within seven miles of the border of the first mentioned Territorial Division, without having the Warrant backed, as hereinafter mentioned. How and where a warrant may be executed.

20. In case any Warrant be directed to all Constables or other Peace Officers in the Territorial Division within which the Justice or Justices have jurisdiction, any Constable or other Peace Officer for any place within such Territorial Division may execute the Warrant at any place within the jurisdiction for which the Justice or Justices acted when he or they granted such Warrant, in like manner as if the Warrant had been directed specially to such Constable by name, and notwithstanding the place within which On what conditions constables, &c., may execute warrant.

such

such Warrant is executed be not within the place for which he is Constable or Peace Officer.

No objection allowed for alleged defect in form or substance.

21. No objection shall be taken or allowed to any Summons or Warrant for any defect therein, in substance or in form, or for any variance between it and the evidence adduced on the part of the prosecution, before the Justice or Justices who takes the examination of the Witnesses in that behalf as hereinafter mentioned.

If variance appears important, the Justices may adjourn the case.

22. But if it appears to the Justice or Justices that the party charged has been deceived or misled by any such variance, such Justice or Justices, at the request of the party charged, may adjourn the hearing of the case to some future day, and in the meantime may remand the party, or admit him to bail as hereinafter mentioned.

Regulations as to the backing of warrants.

23. If the person against whom any Warrrant has been issued, cannot be found within the jurisdiction of the Justice or Justices by whom the same was issued, or if he escapes into, or is supposed or suspected to be, in any place within Canada, out of the jurisdiction of the Justice or Justices issuing the Warrant, any Justice of the Peace within the jurisdiction of whom the person so escapes, or in which he is or is suspected to be, upon proof alone being made on oath or affirmation of the handwriting of the Justice who issued the same, without any security being given, shall make an endorsement (K) on the Warrant, signed with his name, authorizing the execution of the Warrant within the jurisdiction of the Justice making the endorsement, and such endorsement shall be sufficient authority to the person bringing such Warrant, and to all other persons to whom the same was originally directed, and also to all Constables and other Peace Officers of the Territorial Division where the Warrant has been so endorsed, to execute the same in such other Territorial Division, and to carry the person against whom the Warrant issued, when apprehended, before the Justice or Justices of the Peace who first issued the Warrant, or before some other Justice or Justices of the Peace for the same Territorial Division, or before some Justice or Justices of the Territorial Division, in which the offence mentioned in the Warrant appears therein to have been committed.

Effect of such backing.

Duty of constable in case of arrest.

24. If the Prosecutor or any of the witnesses for the prosecution be then in the Territorial Division where such person has been apprehended, the Constable, or other person or persons who have apprehended him may, if so directed by the Justice backing the warrant, take him before the Justice who backed the warrant, or before some other Justice or Justices for the same Territorial Division or place; and the said Justice or Justices may thereupon take the examination of such prosecutor or witnesses, and proceed in every respect in manner hereinafter directed with respect to persons charged before a Justice or Justices of the Peace, with an offence alleged to have been committed in another Territorial

Territorial Division than that in which such persons have been apprehended.

25. If it be made to appear to any Justice of the Peace, by the oath or affirmation of any creditable person, that any person within the Dominion is likely to give material evidence for the prosecution and will not voluntarily appear for the purpose of being examined as a witness at the time and place appointed for the examination of the witnesses against the accused, such Justice shall issue his summons (L 1) to such person, requiring him to be and appear at a time and place therein mentioned, before the said Justice, or before such other Justice or Justices of the Peace for the same Territorial Division as may then be there, to testify what he knows concerning the charge made against the accused party.

Power to Justices to summon witnesses to attend, and give evidence.

26. If any person so summoned neglects or refuses to appear at the time and place appointed by the Summons, and no just excuse be offered for such neglect or refusal, (after proof upon oath or affirmation of the summons having been served upon such person, either personally or left with some person for him at his last or usual place of abode,) the Justice or Justices before whom such person should have appeared, may issue a Warrant (L 2), to bring such person, at a time and place to be therein mentioned before the Justice who issued the Summons, or before such other Justice or Justices of the Peace for the same Territorial Division as may then be there, to testify as aforesaid, and the said Warrant may, if necessary, be backed as hereinbefore mentioned, in order to its being executed out of the jurisdiction of the Justice who issued the same.

If summons be not obeyed, warrant may be issued to compel attendance.

27. If the Justice be satisfied by evidence upon oath or affirmation that it is probable the person will not attend to give evidence unless compelled so to do, then, instead of issuing such Summons, the Justice may issue his Warrant (L 3) in the first instance, and the Warrant, if necessary, may be backed as aforesaid.

In certain cases warrant may issue in first instance.

28. If on the appearance of the person so summoned, either in obedience to the Summons or by virtue of the Warrant, he refuses to be examined upon oath or affirmation concerning the premises, or refuses to take such oath or affirmation, or having taken such oath or affirmation, refuses to answer the questions concerning the premises then put to him without giving any just excuse for such refusal, any Justice of the Peace then present and there having jurisdiction, may, by Warrant (L 4), commit the person so refusing to the Common Gaol or other place of confinement, for the Territorial Division where the person so refusing then is, there to remain and be imprisoned for any time not exceeding ten days, unless he in the meantime consents to be examined and to answer concerning the premises.

Persons appearing on summons and refusing to be examined may be committed.

29. In all cases where any person appears or is brought before any Justice or Justices of the Peace charged with any indictable offence,

Examination of witnesses to

be in the presence of the accused, &c.

offence, whether committed in Canada or upon the high seas, or on land beyond the sea, and whether such person appears voluntarily upon Summons or has been apprehended, with or without Warrant, or is in custody for the same or any other offence, such Justice or Justices before he or they commit such accused person to prison for trial, or before he or they admit him to bail, shall, in the presence of the accused person, (who shall be at liberty to put questions to any witness produced against him,) take the statement (M) on oath or affirmation of those who know the facts and circumstances of the case, and shall put the same in writing, and such depositions shall be read over to and signed respectively by the witnesses so examined, and shall be signed also by the Justice or Justices taking the same.

Justice to administer oath or affirmation.

30. The Justice or Justices shall, before any witness is examined, administer to such witness the usual oath or affirmation, which such Justice or Justices are hereby empowered to do; and if upon the trial of the person accused, it be proved upon the oath or affirmation of any credible witness, that any person whose deposition has been taken as aforesaid, is dead, or is so ill as not to be able to travel, or is absent from Canada, and if it be also proved that such deposition was taken in presence of the person accused, and that he, his Counsel or Attorney, had a full opportunity of cross-examining the witness, then if the deposition purports to be signed by the Justice by or before whom the same purports to have been taken, it shall be read as evidence in the prosecution without further proof thereof, unless it be proved that such deposition was not in fact signed by the Justice purporting to have signed the same.

Depositions of persons dying, absent, &c., how to be used.

After examination of the accused, Justice to read depositions taken against him, and caution him as to any statement he may make.

31. After the examinations of all the witnesses for the prosecution have been completed, the Justice, or one of the Justices by or before whom the examinations have been completed, shall, without requiring the attendance of the witnesses, read or cause to be read to the accused, the depositions taken against him, and shall say to him these words, or words to the like effect: "Having "heard the evidence, do you wish to say any thing in answer to "the charge? You are not obliged to say any thing unless you "desire to do so, but whatever you say will be taken down in "writing, and may be given in evidence against you upon your trial;" and whatever the prisoner then says in answer thereto shall be taken down in writing (N) and read over to him, and shall be signed by the Justice or Justices, and kept with the depositions of the witnesses, and shall be transmitted with them as hereinafter mentioned.

Explanations to be made to the accused party.

32. The Justice or Justices shall, before the accused person makes any statement, state to him and give him clearly to understand that he has nothing to hope from any promise of favor, and nothing to fear from any threat which may have been held out to him to induce him to make any admission or confession of his guilt, but that whatever he then says may be given in evidence

evidence against him upon his trial, notwithstanding such promise or threat.

33. Nothing herein contained shall prevent any prosecutor from giving in evidence any admission or confession, or other statement made at any time by the person accused or charged, which by law would be admissible as evidence against him. Not to prevent giving in evidence confession, &c.

34. Upon the trial of the accused person, the examinations may if necessary be given in evidence against him without further proof thereof, unless it be proved that the Justice or Justices purporting to have signed the same, did not in fact sign the same. Examinations may be given in evidence.

35. The room or building in which the Justice or Justices take the examination and statement shall not be deemed an open Court for that purpose; and the Justice or Justices, in his or their discretion, may order that no person, shall have access to or be or remain in such room or building without the consent or permission of such Justice or Justices, if it appear to him or them that the ends of justice will be best answered by so doing. Place of examination not an open Court, and no person to remain without permission.

36. Any Justice or Justices, before whom any witness is examined, may bind by Recognizance (O 1) the Prosecutor, and every such witness, (except married women and infants) who shall find security for their appearance, if the Justice or Justices see fit, to appear at the next Court of competent Criminal Jurisdiction at which the accused is to be tried, then and there to prosecute, or prosecute and give evidence, or to give evidence, as the case may be, against the party accused, which Recognizance shall particularly specify the place of residence and the addition or occupation of each person entering into the same. Power to bind over the prosecutors and witnesses.

37. The Recognizance, being duly acknowledged by the person entering into the same, shall be subscribed by the Justice or Justices before whom the same is acknowledged, and a notice (O 2) thereof, signed by the said Justice or Justices, shall at the same time be given to the person bound thereby. Recognizances to be subscribed by Justices, &c.

38. The several Recognizances so taken, together with the written information (if any), the depositions, the statement of the accused, and the Recognizance of Bail (if any) shall be delivered by the said Justice or Justices, or he or they shall cause the same to be delivered to the proper Officer of the Court in which the trial is to be had, before or at the opening of the Court on the first day of the sitting thereof, or at such other time as the Judge, Justice or person who is to preside at such Court, or at the trial orders and appoints. Recognizances to be transmitted to the Court in which the trial is to be had.

39. If any witness refuses to enter into Recognizance, the Justice or Justices of the Peace by his or their Warrant (P 1,) may commit him to the common gaol for the Territorial Division in Witness refusing to enter into recognizances may be committed.

in which the accused party is to be tried, there to be imprisoned and safely kept until after the trial of such accused party, unless in the meantime such witness duly enters into a Recognizance before some one Justice of the Peace for the Territorial Division in which such Gaol is situate.

Discharge for want of evidence, &c.

40. If afterwards, for want of sufficient evidence in that behalf or other cause, the Justice or Justices before whom the accused party has been brought, do not commit him or hold him to bail for the offence charged, such Justice or Justices or any other Justice or Justices for the same Territorial Division, by his or their Order (P 2) in that behalf, may order and direct the Keeper of the gaol where the witness is in custody, to discharge him from the same, and such Keeper shall thereupon forthwith discharge him accordingly.

Power to Justice to remand the accused from time to time not exceeding eight days by warrant.

41. If from the absence of witnesses, or from any other reasonable cause, it becomes necessary or advisable to defer the examination or further examination of the witnesses for any time, the Justice or Justices before whom the accused appears or has been brought, may, by his or their Warrant (Q 1) from time to time, remand the party accused for such time as by such Justice or Justices in his or their discretion may be deemed reasonable, not exceeding eight clear days at any one time, to the common gaol in the Territorial Division for which such Justice or Justices are then acting.

Or for three days only by verbal order.

42. If the remand be for a time not exceeding three clear days, the Justice or Justices may verbally order the Constable or other person in whose custody the accused party may then be, or any other Constable or person to be named by the Justice or Justices in that behalf, to keep the accused party in his custody, and to bring him before the same or such other Justice or Justices as may be there acting, at the time appointed for continuing the examination.

But accused may be brought up at an earlier day.

43. Any such Justice or Justices may order the accused party to be brought before him or them, or before any other Justice or Justices of the Peace for the same Territorial Division, at any time before the expiration of the time for which such party has been remanded, and the Gaoler or Officer in whose custody he then is, shall duly obey such order.

Party accused may be admitted to bail on recognizance.

44. Instead of detaining the accused party in custody during the period for which he has been so remanded, any one Justice of the Peace before whom such party has appeared or been brought, may discharge him, upon his entering into a Recognizance (Q 2, 3) with or without a surety or sureties, at the discretion of the Justice, conditioned for his appearance at the time and place appointed for the continuance of the examination.

45.

45. If the accused party does not afterwards appear at the time and place mentioned in the Recognizance, the said Justice or any other Justice of the Peace who may then and there be present, having certified (Q 4) upon the back of the Recognizance the non-appearance of such accused party, may transmit the Recognizance to the Clerk of the Court where the accused person is to be tried, or other proper officer appointed by law, to be proceeded upon in like manner as other Recognizances, and such Certificate shall be deemed sufficient *primâ facie* evidence of the non-appearance of the accused party.

If the accused does not appear according to his recognizance.

46. Whenever a person appears or is brought before a Justice or Justices of the Peace in the Territorial Division wherein such Justice or Justices have jurisdiction, charged with an offence alleged to have been committed by him within any Territorial Division in Canada wherein such Justice or Justices have not jurisdiction, such Justice or Justices shall examine such witnesses and receive such evidence in proof of the charge as may be produced before him or them within his or their jurisdiction; and if in his or their opinion, such testimony and evidence be sufficient proof of the charge made against the accused party, the Justice or Justices shall thereupon commit him to the Common Gaol for the Territorial Division where the offence is alleged to have been committed, or shall admit him to bail as hereinafter mentioned, and shall bind over the prosecutor (if he has appeared before him or them) and the witnesses, by recognizance as hereinbefore mentioned.

If a person be apprehended in one division for an offence committed in another, he may be examined in the former, and committed in the latter.

47. If the testimony and evidence be not, in the opinion of the Justice or Justices, sufficient to put the accused party upon his trial for the offence with which he is charged, then the Justice or Justices shall, by recognizance, bind over the witness or witnesses whom he has examined to give evidence as hereinbefore mentioned; and such Justice or Justices shall, by Warrant (R 1), order the accused party to be taken before some Justice or Justices of the Peace in and for the Territorial Division where the offence is alleged to have been committed, and shall at the same time deliver up the information and complaint, and also the depositions and recognizances so taken by him or them to the Constable who has the execution of the last mentioned Warrant, to be by him delivered to the Justice or Justices before whom he takes the accused, in obedience to the Warrant, and the depositions and recognizances shall be deemed to be taken in the case, and shall be treated to all intents and purposes as if they had been taken by or before the last mentioned Justice or Justices, and shall, together with the depositions and recognizances taken by the last mentioned Justice or Justices in the matter of the charge against the accused party, be transmitted to the Clerk of the Court or other proper Officer where the accused party ought to be tried, in the manner and at the time hereinbefore mentioned, if the accused party should be committed for trial upon the charge, or be admitted to bail.

And if evidence be not deemed sufficient, it may be transmitted to the proper division, &c.

Where he may be committed for trial or be bailed.

48.

Expenses of constable conveying the accused to be repaid him.

48. In case such accused party be taken before the Justice or Justices last aforesaid, by virtue of the said last mentioned Warrant, the Constable or other person or persons to whom the said Warrant is directed, and who has conveyed such accused party before such last mentioned Justice or Justices, shall upon producing the said accused party before such Justice or Justices and delivering him into the custody of such person as the said Justice or Justices direct or name in that behalf, be entitled to be paid his costs and expenses of conveying the said accused party before the said Justice or Justices.

Justice to furnish constable with a receipt or certificate, &c.

49. Upon the Constable delivering to the Justice or Justices the Warrant, information (if any), depositions and recognizances, and proving on oath or affirmation the hand-writing of the Justice or Justices who has subscribed the same, such Justice or Justices before whom the accused party is produced, shall thereupon furnish such Constable with a Receipt or Certificate (R 2), of his or their having received from him the body of the accused party, together with the Warrant, information (if any), depositions and recognizances, and of his having proved to him or them, upon oath, or affirmation the hand-writing of the Justice who issued the Warrant.

Constable to be paid by proper officer.

50. The said Constable, on producing such receipt or certificate to the proper Officer for paying such charges, shall be entitled to be paid all his reasonable charges, costs and expenses of conveying such accused party into such other Territorial Division, and of returning from the same.

Recognizances in certain cases.

51. If such Justice or Justices do not commit the accused party for trial, or hold him to bail, then the recognizances taken before the first mentioned Justice or Justices shall be void.

Power to any two Justices to bail persons charged with felony, not capital, &c.

52. When any person appears before any Justice of the Peace charged with a felony, or suspicion of felony, other than treason or felony punishable with death, or felony under the Act for the better protection of the Crown and of the Government, and the evidence adduced is in the opinion of such Justice, sufficient to put such accused party on his trial, but does not furnish such a strong presumption of guilt as to warrant his committal for trial, the Justice, jointly with some other Justice of the Peace, may admit such person to bail upon his procuring and producing such surety or sureties as in the opinion of the two Justices will be sufficient to ensure the appearance of the person charged, at the time and place when and where he ought to be tried for the offence; and thereupon the two Justices shall take the Recognizances (S 1, 2,) of the accused person and his sureties, conditioned for his appearance at the time and place of trial, and that he will then surrender and take his trial and not depart the Court without leave; and when the offence committed or suspected to have been committed is a misdemeanor, any one Justice before whom the accused party appears may admit to bail in manner aforesaid;—

In case of misdemeanor, one Justice may bail.

aforesaid;—And such Justice may in his discretion require such bail to justify upon oath as to their sufficiency, which oath the said Justice may administer, and in default of such person procuring sufficient bail, then such Justice may commit him to prison, there to be kept until delivered according to law. Justification of bail.

53. In all cases of felony, or suspicion of felony, other than treason or felony punishable with death or felony under the Act for the better protection of the Crown and of the Government, and in all cases of misdemeanor, where the party accused has been finally committed as hereinafter provided, any Judge of any Superior or County Court, having jurisdiction in the District or County, within the limits of which such accused party is confined, may, in his discretion, on application made to him for that purpose, order such accused party or person to be admitted to bail on entering into Recognizance with sufficient sureties before two Justices of the Peace, in such amount as the Judge directs, and thereupon the Justices shall issue a warrant of deliverance (S 3,) as hereinafter provided, and shall attach thereto the order of the Judge directing the admitting of such party to bail. Superior or County Judge in his discretion may order a party committed for trial to be admitted to bail.

54. No Justices of the Peace, or County Judge shall admit any person to bail accused of treason or felony punishable with death, or felony under the Act for the better protection of the Crown and of the Government, nor shall any such person be admitted to bail, except by order of a Superior Court of Criminal Jurisdiction for the Province in which the accused person stands committed, or of one of the Judges thereof, or in the Province of Quebec, by order of a Judge of the Court of Queen's Bench or Superior Court; and nothing herein contained, shall prevent such Courts or Judges admitting any person accused of misdemeanor or felony to bail when they may think it right so to do. Certain offences not bailable except by Judge's order.

55. In all cases where a Justice or Justices of the Peace admit to bail any person who is then in any prison charged with the offence for which he is so admitted to bail, the Justice or Justices shall send to or cause to be lodged with the keeper of such Prison, a Warrant of Deliverance (S 3,) under his or their hand and seal or hands and seals, requiring the said Keeper to discharge the person so admitted to bail if he be detained for no other offence, and upon such Warrant of Deliverance being delivered to or lodged with such Keeper, he shall forthwith obey the same. Justice bailing after committal to issue a warrant of deliverance.

56. When all the evidence offered upon the part of the prosecution against the accused party has been heard, if the Justice or Justices of the Peace then present are of opinion that it is not sufficient to put the accused party upon his trial for any indictable offence, such Justice or Justices shall forthwith order the accused party, if in custody, to be discharged as to the Information then under inquiry; but if in the opinion of such Justice or Justices the evidence is sufficient to put the accused party upon his trial for an indictable offence, although it may not raise such a strong presumption If the evidence be deemed insufficient, party to be discharged. If sufficient, to be bailed or committed, &c.

presumption of guilt as would induce them to commit the accused for trial without bail, or if the offence with which the party is accused is a misdemeanor, then the Justices shall admit the party to bail as hereinbefore provided, but if the offence be a felony, and the evidence given is such as to raise a strong presumption of guilt, then the Justice or Justices shall by his or their warrant (T 1,) commit him to the Common Gaol for the Territorial Division to which he may by Law be committed, or in the case of an indictable offence committed on the high seas or on land beyond the sea, to the Common Gaol of the Territorial Division within which such Justice or Justices have jurisdiction, to be there safely kept until delivered by due course of law; Provided that in cases of misdemeanor the Justice or Justices who have committed the offender for trial, may, at any time, before the first day of the sitting of the Court at which he is to be tried, bail such offender in manner aforesaid, or may certify on the back of the Warrant of committal the amount of bail to be required, in which case any other Justice of the peace for the same Territorial Division may admit such person to bail in such amount, at any time before such first day of the sitting of the Court aforesaid.

Proviso: as to bail after committal for trial in cases of misdemeanor.

Provisions touching the conveyance of prisoners to gaol.

57. The Constable or any of the Constables, or other persons to whom any Warrant of Commitment authorized by this or any other Act or law is directed, shall convey the accused person therein named or described to the gaol or other prison mentioned in such warrant, and there deliver him, together with the Warrant, to the Keeper of such gaol or prison, who shall thereupon give the Constable or other person delivering the prisoner into his custody a Receipt (T 2,) for the prisoner, setting forth the state and condition of the prisoner when delivered into his custody.

When and how defendant may be entitled to a copy of depositions.

58. At any time after all the examinations have been completed, and before the first sitting of the Court at which any person so committed to prison or admitted to bail is to be tried, such person may require and shall be entitled to have, from the Officer or person having the custody of the same, copies of the depositions on which he has been committed or bailed, on payment of a resonable sum for the same, not exceeding the rate of five cents for each folio of one hundred words.

Certain Magistrates may act alone under this Act.

59. Any Judge of the Sessions of the Peace for the city of Quebec or for the city of Montreal, or any Police Magistrate, District Magistrate or Stipendiary Magistrate, appointed for any Territorial Division, or any Magistrate authorized by the law of the Province in which he acts, to perform acts usually required to be done by two or more Justices of the peace, may do alone whatever is authorized by this Act to be done by any two or more Justices of the Peace, and the several forms in this Act contained may be varied so far as necessary to render them applicable to such case.

60. Every Coroner, upon any inquisition taken before him, whereby any person is indicted for manslaughter or murder, or as an accessory to murder before the fact, shall, in presence of the party accused, if he can be apprehended, put in writing the evidence given to the jury before him, or as much thereof as may be material, giving the party accused full opportunity of cross-examination; and the Coroner shall have authority to bind by recognizance all such persons as know or declare any thing material touching the manslaughter or murder, or the offence of being accessory to murder, to appear at the next Court of Oyer and Terminer, or Gaol Delivery, or other Court or term or sitting of a Court, at which the trial is to be, then and there to prosecute or give evidence against the party charged; and every such Coroner shall certify and subscribe the evidence, and all the recognizances, and also the inquisition before him taken, and shall deliver the same to the proper Officer of the Court at the time and in the manner specified in the thirty-eighth section of this Act.

Duty of Coroner, in cases of murder or manslaughter.

Recognizances to be sent to proper officer.

61. When any person has been committed for trial by any Justice or Justices, or Coroner, the Prisoner, his Counsel, Attorney or Agent, may notify the committing Justice or Justices, or Coroner, that he will so soon as counsel can be heard, move one of Her Majesty's Courts of Superior Criminal jurisdiction for the Province in which such person stands committed, or one of the Judges thereof, or in the Province of Quebec, a Judge of the Court of Queen's Bench, or of the Superior Court, or in the Provinces of Ontario or New Brunswick, the Judge of the County Court if it is intended to apply to such Judge under the fifty-third section of this Act, for an order to the Justices of the Peace, or Coroner for the Territorial Division where such Prisoner is confined, to admit such Prisoner to bail, whereupon such committing Justice or Justices, or Coroner, shall, with all convenient expedition, transmit to the office of the Clerk of the Crown, or the Chief Clerk of the Court, or the Clerk of the County Court or other proper officer (as the case may be,) close under the hand and seal of one of them, a certified copy of all informations, examinations, and other evidences, touching the offence wherewith the Prisoner has been charged, together with a copy of the warrant of commitment and inquest, if any such there be, and the packet containing the same shall be handed to the person applying therefor, in order to its transmission, and it shall be certified on the outside thereof to contain the information touching the case in question.

When party committed wishes to be bailed, Justices on notice thereof to forward all information to Clerk of the Crown, or other proper officers.

62. Upon such application to any such Court or Judge as in the last preceding section mentioned, the same order touching the prisoner being bailed or continued in custody, shall be made as if the party were brought up upon a *Habeas Corpus*.

Same order to be made as upon *Habeas Corpus*.

63. If any Justice or Coroner neglects or offends in any thing contrary to the true intent and meaning of any of the provisions of the sixtieth and following sections of this Act, the Court to whose

Penalty on Justices and Coroners disobeying this Act.

whose Officer any such examination, information, evidence, bailment, recognizance, or inquisition ought to have been delivered, shall, upon examination and proof of the offence, in a summary manner, set such fine upon every such Justice or Coroner as the Court thinks meet.

Provisions to apply to all Justices and Coroners.

64. The provisions of this Act relating to Justices and Coroners, shall apply to the Justices and Coroners not only of Districts and Counties at large, but also of all other Territorial Divisions and Jurisdictions.

Interpretation.

65. The words "Territorial Division," whenever used in this Act shall mean County, Union of Counties, Township, City, Town, Parish or other Juridical Division or place to which the context may apply.

Forms.

66. The several forms in the Schedule to this Act contained, or forms to the like effect, shall be good, valid and sufficient in law.

Commencement of Act.

67. This Act shall commence and take effect on the first day of January, in the year of our Lord, one thousand eight hundred and seventy.

SCHEDULES.

(A) *Vide* ss. 1 *and* 9.

INFORMATION AND COMPLAINT FOR AN INDICTABLE OFFENCE.

Canada,
Province of ,
District (*or* County,
United Counties, *or*
as the case may be,)
of

The information and complaint of C. D. of (*yeoman*), taken day of , in the year of our Lord , before the undersigned, (*one*) of Her Majesty's Justices of the Peace, in and for the said District (*or* County, or *as the case may be,*) of who saith that (*&c., stating the offence.*)

Sworn (*or* affirmed) before (*me*) the day and year first above mentioned, at

J. S.

(B)

(B) *See* ss. 1, 17.

WARRANT TO APPREHEND A PERSON CHARGED WITH AN INDICTABLE OFFENCE.

Canada,
Province of
District (*or* County,
United Counties, *or*
as the case may be,)
of

To all or any of the Constables or other Peace Officers in the District (*or* County, United Counties, *or as the case may be,*) of :

Whereas A. B., of (*laborer*), hath this day , been charged upon oath before the undersigned, (*one*) of Her Majesty's Justces of the Peace in and for the said District (*or* County, United Counties, *or as the case may be,*) of , for that he, on , at , did (*&c., stating shortly the offence*); These are therefore to command you, in Her Majesty's name, forthwith to apprehend the said A. B., and to bring him before (*me*) or some other of Her Majesty's Justices of the Peace in and for the said District (*or* County, United Counties, *or as the case may be,*) of , to answer unto the said charge, and to be further dealt with according to law.

Given under (*my*) Hand and Seal, this day of , at , in the District (*County, &c.,*) aforesaid.

J. S. [L. S.]

(C) *See* ss. 2, 13.

SUMMONS TO A PERSON CHARGED WITH AN INDICTABLE OFFENCE.

Canada,.
District (*or* County,
United Counties, *or*
as the case may be,)
of

To A. B. of , (*laborer*):

Whereas you have this day been charged before the undersigned (*one*) of Her Majesty's Justices of the Peace in and for the said District (*or* County, United Counties, *or as the case may be,*) of for that you on , at , (*&c., stating shortly the offence*); These are therefore to command you, in Her Majesty's name, to be and appear before (*me*) on , at o'clock in the (*fore*) noon, at , or before such other Justice or Justices of the Peace of the same District (*or* County, United Counties, *or as the case may be,*) of , as may then be there, to answer to the said charge, and to be further dealt with according to law. Herein fail not.

Given

Given under (*my*) Hand and Seal, this day of , in the year of Our Lord , at , in the District (*or* County, *&c.*,) aforesaid.

J. S. [L. S.]

(D) *See* ss. 2, 16.

WARRANT WHEN THE SUMMONS IS DISOBEYED.

Canada,
Province of ,
District (*or* County, United Counties, *or as the case may be*,) of

To all or any of the Constables, or other Peace Officers in the said District (*or* County, United Counties, *or as the case may be*,) of :

Whereas on the day of (instant *or* last past) A. B. of the , was charged before (*me* or *us*,) the undersigned, (*or name the Magistrate or Magistrates, or as the case may be*) (*one*) of Her Majesty's Justices of the Peace in and for the said District (*or* County, United Counties, *as the case may be*) of for that (*&c., as in the Summons*); And whereas (I, *or* he, *the said Justice of the Peace*, *or* we *or* they, *the said Justices of the Peace*) did then issue (*my*, *our*, *his* or *their*) Summons to the said A. B., commanding him, in Her Majesty's name, to be and appear before (*me*) on at , o'clock in the (*fore*) noon, at , or before such other Justice or Justices of the Peace as should then be there, to answer to the said charge, and to be further dealt with according to law; And whereas the said A. B. hath neglected to be or appear at the time and place appointed in and by the said Summons, although it hath now been proved to (*me*) upon oath, that the said Summons was duly served upon the said A. B.; These are therefore to command you in Her Majesty's name, forthwith to apprehend the said A. B., and to bring him before (*me*) or some other of Her Majesty's Justices of the Peace in and for the said District (*or* County, United Counties, *or as the case may be*,) of , to answer the said charge, and to be further dealt with according to law.

Given under (*my*) Hand and Seal, this day of , in the year of Our Lord , at , in the District) *or* County, &c.,) of aforesaid.

J. S. [L. S.]

(D 2) *See* s. 8.

WARRANT TO APPREHEND A PERSON CHARGED WITH AN INDICTABLE OFFENCE COMMITTED ON THE HIGH SEAS OR ABROAD.

For offences committed on the high seas the warrant may be

the

the same as in ordinary cases, but describing the offence to have been committed "on the high seas, out of the body of any District or County of Canada and within the jurisdiction of the Admiralty of England."

For offences committed abroad, for which the parties may be indicted in Canada, the warrant also may be the same as in ordinary cases, but describing the offence to have been committed "on land out of Canada, to wit: at , in the Kingdom of , *or* at , in the Island of , in the West Indies, *or* at , in the East Indies," *or as the case may be.*

(E 1) *See s.* 12.

INFORMATION TO OBTAIN A SEARCH WARRANT.

Canada,
Province of ,
District (*or* County,
United Counties, *or*
as the case may be,
of

The information of A. B., of the , of , in the said District (*or* County, *&c.*,) (*yeoman*), taken this day of , in the year of Our Lord , before me, W. S., Esquire, one of Her Majesty's Justices of the Peace, in and for the District (*or* County, United Counties, *or as the case may be,*) of , who saith that on the day of (*insert the description of articles stolen*) of the goods and chattels of Deponent, were feloniously stolen, taken and carried away, from and out of the (*Dwelling House, &c,*) of this Deponent, at the (*Township, &c.*,) aforesaid, by (some person or persons unknown, *or name the person,*) and that he hath just and reasonable cause to suspect, and doth suspect that the said goods and chattels, or some part of them, are concealed in the (*Dwelling House, &c., of C. D.*) of , in the said District, (*or* County,) (*here add the causes of suspicion, whatever they may be;*) Wherefore, (*he*) prays that a Search Warrant may be granted to him to search (*the Dwelling House, &c.*,) of the said C. D. as aforesaid, for the said goods and chattels so feloniously stolen, taken and carried away as aforesaid.

Sworn (*or* affirmed) before me the day and year first above mentioned, at in the said District, (*or* County) of

W. S.
J. P.

(E 2)

(E 2) *See* s. 12.

SEARCH WARRANT.

Canada,
Province of ,
District (*or* County,
United Counties, *or*
as the case may be,)
of

To all or any of the Constables, or other Peace Officers, in the District (*or* County, United Counties, *or as the case may be,*) of :

Whereas A. B. of the , of , in the said District, (*or* County, *&c.,*) hath this day made oath before me the undersigned, one of Her Majesty's Justices of the Peace, in and for the said District, (*or* County, United Counties, *or as the case may be,*) of , that on the day of , (*copy information as far as place of supposed concealment*); These are therefore in the name of our Sovereign Lady the Queen, to authorize and require you, and each and every of you, with necessary and proper assistance, to enter in the day time into the said (*Dwelling House, &c.,*) of the said, *&c.*, and there diligently search for the said goods and chattels, and if the same, or any part thereof, shall be found upon such search, that you bring the goods so found, and also the body of the said C. D. before me, or some other Justice of the Peace, in and for the said District (*or* County, United Counties, *or as the case may be*) of , to be disposed of and dealt with according to law.

Given under my Hand and Seal, at , in the said District (*or* County, *&c.,*) this day of , in the year of Our Lord, one thousand eight hundred and .

W. S., *J. P.* (*Seal.*)

(F) *See* s. 4.

CERTIFICATE OF INDICTMENT BEING FOUND.

I hereby certify that a Court of (Oyer and Terminer, *or* General Gaol Delivery, *or* General Sessions of the Peace) holden in and for the District (*or* County, United Counties, *or as the case may be,*) of , at , in the said District, (County, *&c.,*) on , a Bill of Indictment was found by the Grand Jury against A. B., therein described as A. B., late of (*laborer,*) for that he (*&c., stating shortly the offence,*) and that the said A. B. hath not appeared or pleaded to the said indictment.

Dated this , day of , one thousand eight hundred and

Z. X.
Clerk

Clerk of the Crown, *or* Deputy Clerk of the Crown for the District (*or* County, United Counties, *or as the case may be,*)

or

Clerk of the Peace of and for the said District (*or* County, United Counties, *or as the case may be.*)

(G) *See* s. 4.

WARRANT TO APPREHEND A PERSON INDICTED.

Canada,
Province of
District (*or* County, United Counties, *or as the case may be*) of

To all or any of the Constables, or other Peace Officers, in the said District (*or* County, United Counties, *or as the case may be*) of :

Whereas it hath been duly certified by J. D., Clerk of the Crown of (*name the Court*) (*or* E. G. Deputy Clerk of the Crown, *or* Clerk of the Peace, *as the case may be*) in and for the District (*or* County, United Counties, *or as the case may be*) of that (*&c., stating the certificate*); These are therefore to command you in Her Majesty's name forthwith to apprehend the said A. B., and to bring him before (*me,*) or some other Justice or Justices of the Peace in and fer the said District (*or* County, United Counties *or as the case may be,*) to be dealt with according to law.

Given under my Hand and Seal, this day of , in the year of Our Lord , at in the District (*or* County, *&c.,*) aforesaid.

J. S. [L. S.]

(H) *See* s. 5.

WARRANT OF COMMITMENT OF A PERSON INDICTED.

Canada,
Province of
District (*or* County, United Counties, *or as the case may be*) of

To all or any of the Constables, or other Peace Officers in the said District (*or* County, *&c.*) of and the Keeper of the Common Gaol, at , in the said District (*or* County, United Counties, *or as the case may be*) of :

Whereas by a Warrant under the Hand and Seal of (*one*) of

of Her Majesty's Justices of the Peace in and for the said District (*or* County, United Counties, *or as the case may be*) of under Hand and Seal dated , after reciting that it had been certified by J. D. (*&c., as in the certificate,*) ( ) the said Justice of the Peace commanded all or any of the Constables, in Her Majesty's name, forthwith to apprehend the said A. B. and to bring him before (*him*) the said Justice of the Peace in and for the said District (*or* County, United Counties, *or as the case may be,*) of or before some other Justice or Justices in and for the said District (*or* County, United Counties, *or as the case may be,*) to be dealt with according to law; And whereas the said A. B. hath been apprehended under and by virtue of the said Warrant, and being now brought before (*me*) it is hereupon duly proved to (*me*) upon oath that the said A. B. is the same person who is named and charged by , in the said indictment; These are therefore to command you the said Constables and Peace Officers, or any of you, in Her Majesty's name, forthwith to take and convey the said A. B. to the said Common Gaol at , in the said District (*or* County, United Counties, *or as the case may be,*) of , and there to deliver him to the Keeper thereof, together with this Precept; and (*I*) hereby command you the said Keeper to receive the said A. B. into your custody in the said Gaol, and him there safely to keep until he shall thence be delivered by due course of law.

Given under (*my*) Hand and Seal, this day of in the year of Our Lord , at , in the District (*or,* County, *&c.,*) aforesaid.

J. S. [L. S.]

(I) *See* s. 6.

WARRANT TO DETAIN A PERSON INDICTED WHO IS ALREADY IN CUSTODY FOR ANOTHER OFFENCE.

Canada,
Province of ,
District (*or* County,
United Counties, *or*
as the case may be)
of

To the Keeper of the Common Gaol at in the said District (*or* County, United Counties, *or as the case may be,*) of :

Whereas it hath been duly certified by J. D., Clerk of the Crown of (*name the Court*) *or* Deputy Clerk of the Crown, *or* Clerk of the Peace of and for the District (*or* County, United Counties, *or as the case may be*) of that (*&c., stating the Certificate*); And whereas (*I am*) informed that the said A. B. is in your custody in the said Common Gaol at aforesaid, charged with some offence, or other matter; and it being now duly proved

proved upon oath before (*me*) that the said A. B. so indicted as aforesaid, and the said A. B., in your custody as aforesaid, are one and the same person; These are therefore to command you, in Her Majesty's name, to detain the said A. B. in your custody in the Common Gaol aforesaid, until by Her Majesty's Writ of *Habeas Corpus* he shall be removed therefrom for the purpose of being tried upon the said indictment, or until he shall otherwise be removed or discharged out of your custody by due course of law.

Given under (*my*) Hand and Seal, this day of , in the year of Our Lord at , in the District (*or* County, &c.,) aforesaid.

J. S. [L. S.]

(K) *See* s. 23.

ENDORSEMENT IN BACKING A WARRANT.

Canada,
Province of ,
District (*or* County,
United Counties, *or*
as the case may be)
of

Whereas proof upon oath hath this day been made before me, one of Her Majesty's Justices of the Peace in and for the said District (*or* County, United Counties, *or as the case may be*) of that the name of J. S., to the within Warrant subscribed, is of the hand-writing of the Justice of the Peace within mentioned; I do therefore hereby authorize W. T. who bringeth to me this Warrant and all other persons to whom this warrant was originally directed, or by whom it may be lawfully executed, and also all Constables and other Peace Officers of the said District (*or* County, United Counties, *or as the case may be*) of , to execute the same within the said last mentioned District (*or* County, United Counties, *or as the case may be*).

Given under my Hand, this day of , in the year of Our Lord , at , in the District (*or* County, *&c.*,) aforesaid.

J. L.

(L 1) *See* s. 25.

SUMMONS TO A WITNESS.

Canada,
Province of ,
District (*or* County,
United Counties, *or*
as the case may be)
of

To E. F. of , (*laborer*):

Whereas information hath been laid before the undersigned, one of

of Her Majesty's Justices of the Peace in and for the said District (*or* County, United Counties, *or as the case may be*,) of , that A. B. (*&c., as in the Summons or Warrant against the accused*,) and it hath been made to appear to me upon (*oath*,) that you are likely to give material evidence for (*prosecution*); These are therefore to require you to be and to appear before me on next, at o'clock in the (*fore*) noon, at , or before such other Justice or Justices of the Peace of the same District (*or* County, United Counties, *or as the case may be*,) of , as may then be there to testify what you shall know concerning the said charge so made against the said A. B. as aforesaid. Herein fail not.

Given under my Hand and Seal, this day of in the year of Our Lord , at , in the District (*or* County, *&c.*,) aforesaid.

J. S. [L. S.]

(L 2) *See* s. 26.

WARRANT WHEN A WITNESS HAS NOT OBEYED THE SUMMONS.

Canada,
Province of ,
District (*or* County,
United Counties, *or*
as the case may be),
of

To all or any of the Constables or other Peace Officers, in the said District (*or* County, United Counties, *or as the case may be*) of

Whereas information having been laid before , (*one*) of Her Majesty's Justices of the Peace, in and for the said District (*or* County, &c.,) of , that A. B., (*&c., as in the Summons;*) And it having been made to appear to (*me*) upon oath that E. F. of , (*laborer*,) was likely to give material evidence for the prosecution, (*I*) did duly issue (*my*) summons to the said E. F., requiring him to be and appear before (*me*) on , at , or before such other Justice or Justices of the Peace for the same District (*or* County, United Counties *or as the case may be*,) as might then be there, to testify what he should know respecting the said charge so made against the said A. B. as aforesaid; And whereas proof has this day been made upon oath before (*me*) of such summons having been duly served upon the said E. F.; and whereas the said E. F. hath neglected to appear at the time and place appointed by the said Summons, and no just excuse has been offered for such neglect; These are therefore to command you to bring and have the said E. F. before (*me*) on at o'clock in the (*fore*) noon, at , or before such other

other Justice or Justices for the same District (*or* County, United Counties, *or as the case may be*,) as may then be there, to testify what he shall know concerning the said charge so made against the said A. B. as aforesaid.

Given under (*my*) Hand and Seal, this day of in the year of Our Lord , at in the District (*or* County, *&c.*,) aforesaid.

J. S. [L. S.]

(L 3) *See* s. 27.

WARRANT FOR A WITNESS IN THE FIRST INSTANCE.

Canada,
Province of ,
District (*or* County,
United Counties, *or*
as the case may be,)
of

To all or any of the Constables, or other Peace Officers in the said District (*or* County, United Counties, *or as the case may be*) of

Whereas information has been laid before the undersigned, (*one*) of Her Majesty's Justices of the Peace, in and for the said District (*or* County, United Counties, *or as the case may be*,) of that (*&c., as in the summons*); and it having been made to appear to (*me*) upon oath, that E. F. of , (*laborer*,) is likely to give material evidence for the prosecution, and that it is probable that the said E. F. will not attend to give evidence unless compelled to do so; These are therefore to command you to bring and have the said E. F. before (*me*) on at o'clock in the (*fore*) noon, at , or before such other Justice or Justices of the Peace for the same District (*or* County, United Counties, *or as the case may be*,) as may then be there, to testify what he shall know concerning the said charge so made against the said A. B. as aforesaid.

Given under my Hand and Seal, this day of in the year of Our Lord , at in the District (*or* County, *&c.*,) aforesaid.

J. S. [L. S.]

(L 4) *See* s. 28.

WARRANT OF COMMITMENT OF A WITNESS FOR REFUSING TO BE SWORN, OR TO GIVE EVIDENCE.

Canada,
Province of ,
District (*or* County,
United Counties, *or*
as the case may be)
of

To all or any of the Constables, or other Peace Officers, in the District

of Her Majesty's Justices of the Peace in and for the said District (*or* County, United Counties, *or as the case may be,*) of , that A. B. (*&c., as in the Summons or Warrant against the accused,*) and it hath been made to appear to me upon (*oath,*) that you are likely to give material evidence for (*prosecution*); These are therefore to require you to be and to appear before me on next, at o'clock in the (*fore*) noon, at , or before such other Justice or Justices of the Peace of the same District (*or* County, United Counties, *or as the case may be,*) of , as may then be there to testify what you shall know concerning the said charge so made against the said A. B. as aforesaid. Herein fail not.

Given under my Hand and Seal, this day of in the year of Our Lord , at , in the District (*or* County, *&c.,*) aforesaid.

J. S. [L. S.]

(L 2) *See* s. 26.

WARRANT WHEN A WITNESS HAS NOT OBEYED THE SUMMONS.

Canada,
Province of ,
District (*or* County,
United Counties, *or as the case may be*),
of

To all or any of the Constables or other Peace Officers, in the said District (*or* County, United Counties, *or as the case may be*) of

Whereas information having been laid before , (*one*) of Her Majesty's Justices of the Peace, in and for the said District (*or* County, &c.,) of , that A. B., (*&c., as in the Summons;*) And it having been made to appear to (*me*) upon oath that E. F. of , (*laborer,*) was likely to give material evidence for the prosecution, (*I*) did duly issue (*my*) summons to the said E. F., requiring him to be and appear before (*me*) on , at , or before such other Justice or Justices of the Peace for the same District (*or* County, United Counties *or as the case may be,*) as might then be there, to testify what he should know respecting the said charge so made against the said A. B. as aforesaid; And whereas proof has this day been made upon oath before (*me*) of such summons having been duly served upon the said E. F.; and whereas the said E. F. hath neglected to appear at the time and place appointed by the said Summons, and no just excuse has been offered for such neglect; These are therefore to command you to bring and have the said E. F. before (*me*) on at o'clock in the (*fore*) noon, at , or before such other

other Justice or Justices for the same District (*or* County, United Counties, *or as the case may be,*) as may then be there, to testify what he shall know concerning the said charge so made against the said A. B. as aforesaid.

Given under (*my*) Hand and Seal, this day of in the year of Our Lord , at in the District (*or* County, *&c.,*) aforesaid.

J. S. [L. S.]

(L 3) *See* s. 27.

WARRANT FOR A WITNESS IN THE FIRST INSTANCE.

Canada,
Province of ,
District (*or* County, United Counties, *or as the case may be,*) of

To all or any of the Constables, or other Peace Officers in the said District (*or* County, United Counties, *or as the case may be*) of

Whereas information has been laid before the undersigned, (*one*) of Her Majesty's Justices of the Peace, in and for the said District (*or* County, United Counties, *or as the case may be,*) of that (*&c., as in the summons*); and it having been made to appear to (*me*) upon oath, that E. F. of , (*laborer,*) is likely to give material evidence for the prosecution, and that it is probable that the said E. F. will not attend to give evidence unless compelled to do so; These are therefore to command you to bring and have the said E. F. before (*me*) on at o'clock in the (*fore*) noon, at , or before such other Justice or Justices of the Peace for the same District (*or* County, United Counties, *or as the case may be,*) as may then be there, to testify what he shall know concerning the said charge so made against the said A. B. as aforesaid.

Given under my Hand and Seal, this day of in the year of Our Lord , at in the District (*or* County, *&c.,*) aforesaid.

J. S. [L. S.]

(L 4) *See* s. 28.

WARRANT OF COMMITMENT OF A WITNESS FOR REFUSING TO BE SWORN, OR TO GIVE EVIDENCE.

Canada,
Province of ,
District (*or* County, United Counties, *or as the case may be*) of

To all or any of the Constables, or other Peace Officers, in the District

(O 1) *See* s. 36.

RECOGNIZANCE TO PROSECUTE OR GIVE EVIDENCE.

Canada,
Province of ,
District (*or* County,
United Counties, *or*
as the case may be,)
of

Be it remembered, That on the day of , in the year of our Lord , C. D. of , in the of , in the (*Township*) of , in the said District (*or* County, *&c.*,) of , (*farmer*,) personally came before me, one of Her Majesty's Justices of the Peace in and for the said District (*or* County, United Counties, *or as the case may be*,) of , and acknowledge himself to owe to Our Sovereign Lady the Queen, Her Heirs and Successors, the sum of of good and lawful current money of Canada, to be made and levied of his goods and chattels, lands and tenements, to the use of our said Sovereign Lady the Queen, Her Heirs and Successors, if the said C. D. shall fail in the condition endorsed.

Taken and acknowledged the day and year first above mentioned, at, before me.

J. S.

CONDITION TO PROSECUTE.

The condition of the within (*or* above) written recognizance is such that whereas one A. B. was this day charged before me, J. S., Justice of the Peace within mentioned, for that (*&c., as in the caption of the depositions*;) if therefore, he the said C. D. shall appear at the next Court of Oyer and Terminer *or* General Gaol Delivery, (*or* at the next Court of General *or* Quarter Sessions of the Peace,) to be holden in and for the District (*or* County, United Counties, *or as the case may be*) of * , and there prefer or cause to be preferred a Bill of Indictment for the offence aforesaid, against the said A. B. and there also duly prosecute such indictment, then the said Recognizance to be void or else to stand in full force and virtue.

CONDITION TO PROSECUTE AND GIVE EVIDENCE.

(*Same as the last form, to the asterisk,* and then thus :*)—"And "there prefer or cause to be preferred a Bill of Indictment against "the said A. B. for the offence aforesaid, and duly prosecute "such Indictment, and give evidence thereon, as well to the Jurors "who shall then enquire into the said offence, as also to them who "shall pass upon the trial of the said A. B., then the said Recog- "nizance to be void, or else to stand in full force and virtue."

CONDITION

CONDITION TO GIVE EVIDENCE.

(*Same as the last form but one, to the asterisk,* and then thus:*)—" And there give such evidence as he knoweth upon a Bill " of Indictment to be then and there preferred against the said A. " B. for the offence aforesaid, as well to the Jurors who shall there " enquire of the said offence, as also to the Jurors who shall pass " upon the trial of the said A. B. if the said Bill shall be found a " True Bill, then the said Recognizance to be void, otherwise to " remain in full force and virtue."

(O 2) *See* s. 37.

NOTICE OF THE SAID RECOGNIZANCE TO BE GIVEN TO THE PROSECUTOR AND HIS WITNESSES.

Canada,
Province of ,
District (*or* County,
United Counties, *or*
as the case may be,)
of

Take notice that you C. D. of , are bound in the sum of to appear at the next Court of Oyer and Terminer and General Gaol Delivery, (*or* at the next Court of General Quarter Sessions of the Peace, in and for the District (*or* County, United Counties, *or as the case may be*) of to be holden at , in the said District (County, *&c.*) and then and there (*prosecute and*) give evidence against A. B., and unless you then appear there, (*prosecute and*) give evidence accordingly, the Recognizance entered into by you will be forthwith levied on you.

Dated this day of one thousand eight hundred and

J. S.

(P 1) *See* s. 39.

COMMITMENT OF A WITNESS FOR REFUSING TO ENTER INTO THE RECOGNIZANCE.

Canada,
Province of ,
District (*or* County,
United Counties, *or*
as the case may be,)
of

To all or any of the Constables or other Peace Officers in the said District

District (*or* County, &c.,) of , and to the Keeper of the Common Gaol of the said District, (*or* County, *&c., or as the case may be,*) at , in the said District (*or* County, *&c., or as the case may be*) of :

Whereas A. B. was lately charged before the undersigned, (*or name of Justice of the Peace*) (*one*) of Her Majesty's Justices of the Peace in and for the said District (*or* County, &c.,) of , for that (*&c., as in the Summons to the Witness,*) and it having been made to appear to (*me*) upon oath that E. F., of , was likely to give material evidence for the prosecution, (*I*) duly issued (*my*) Summons to the said E. F., requiring him to be and appear before (*me*) on , at or before such other Justice or Justices of the Peace as should then be there, to testify what he should know concerning the said charge so made against the said A. B. as aforesaid; and the said E. F. now appearing before (*me*) (or being brought before (*me*) by virtue of a Warrant in that behalf to testify as aforesaid,) hath been now examined before (*me*) touching the premises, but being by (*me*) required to enter into a Recognizance conditioned to give evidence against the said A.B., hath now refused so to do: These are therefore to command you the said Constables or Peace Officers, or any one of you, to take the said E. F. and him safely convey to the Common Gaol at , in the District (*or* County, *&c.,*) aforesaid, and there deliver him to the said Keeper thereof, together with this Precept; and I do hereby command you, the said Keeper of the said Common Gaol, to receive the said E. F. into your custody in the said Common Gaol, there to imprison and safely keep him until after the trial of the said A. B. for the offence aforesaid, unless in the meantime the said E. F. shall duly enter into such Recognizance as aforesaid, in the sum of , before some one Justice of the Peace for the said District, (*or* County, United Counties, *or as the case may be,*) conditioned in the usual form to appear at the next Court of (Oyer and Terminer, or General Gaol Delivery, *or* General *or* Quarter Sessions of the Peace,) to be holden in and for the said District (*or* County, United Counties, *or as the case may be,*) of , and there to give evidence before the Grand Jury upon any Bill of Indictment which may then and there be preferred against the said A. B. for the offence aforesaid, and also to give evidence upon the trial of the said A. B. for the said offence, if a True Bill should be found against him for the same.

Given under my Hand and Seal, this , day of , in the year of Our Lord , at in the District (*or* County, *&c.,*) aforesaid.

J. S. [L. S.]

(P. 2) *See* s. 40.

SUBSEQUENT ORDER TO DISCHARGE THE WITNESS.

Canada,
Province of ,
District (*or* County,
United Counties, *or*
as the case may be,)
of

To the Keeper of the Common Gaol, at , in the District (*or* County, &c.,) of aforesaid :

Whereas by (*my*) order dated the day of (*instant*) reciting that A. B. was lately before then charged before (*me*) for a certain offence therein mentioned, and that E.F. having appeared before (*me*,) and being examined as a witness for the prosecution on that behalf, refused to enter into Recognizance to give evidence against the said A. B., and I therefore thereby committed the said E. F. to your custody, and required you safely to keep him until after the trial of the said A. B. for the offence aforesaid, unless in the meantime he should enter into such Recognizance as aforesaid; and whereas for want of sufficient evidence against the said A. B., the said A. B. has not been committed or holden to bail for the said offence, but on the contrary thereof has been since discharged, and it is therefore not necessary that the said E. F. should be detained longer in your custody: These are therefore to order and direct you the said Keeper to discharge the said E. F. out of your custody, as to the said commitment, and suffer him to go at large.

Give under my Hand and Seal, this day of in the year of Our Lord , at , in the District (*or* County, *&c.*,) aforesaid.

J. S. [L. S.]

(Q 1) *See* s. 41.

WARRANT REMANDING A PRISONER.

Canada,
Province of ,
District (*or* County,
United Counties, *or*
as the case may be),
of

To all or any of the Constables and other Peace Officers in the said District (*or* County, United Counties, *or as the case may be*,) of , and to the Keeper of the (*Common Gaol* or *Lock-up House*) , in the said District (*or* County, *&c.*,) of

Whereas A. B. was this day charged before the undersigned (*one*)

(*one*) of Her Majesty's Justices of the Peace in and for the said District (*or* County, United Counties, *or as the case may be*,) of , for that (*&c., as in the Warrant to apprehend*) and it appears to (*me*) to be necessary to remand the said A. B.: These are therefore to command you, in Her Majesty's name, forthwith to convey the said A. B. to the (*Common Gaol* or *Lock-up House*,) at , in the said District (*or* County, *&c.*,) and there to deliver him to the Keeper thereof, together with this Precept; and I hereby command you the said Keeper to receive the said A. B. into your custody in the said (*Common Gaol* or *Lock-up House*,) and there safely keep him until the day of , (*instant*) when I hereby command you to have him at , at o'clock in the (*fore*) noon of the same day before (*me*) or before some other Justice or Justices of the Peace for the said District (*or* County, United Counties, *or as the case may be*,) as may then be there, to answer further to the said charge, and to be further dealt with according to law, unless you shall be otherwise ordered in the meantime.

Given under my hand and seal, this day of , in the year of our Lord , at in the District (*or* County, *&c.*,) of aforesaid.

J. S. [L. S.]

(Q 2) *See* s. 44.

RECOGNIZANCE OF BAIL INSTEAD OF REMAND ON AN ADJOURNMENT OF EXAMINATION.

Canada,
Province of ,
District (*or* County,
United Counties, *or*
as the case may be,)
of

Be it remembered, That on the , day of , in the year of our Lord , A. B. of (*laborer*) L. M. of (*grocer*), and N. O. of , (*butcher*) personally came before me, (*one*) of Her Majesty's Justices of the Peace for the said District (*or* County, United Counties, *or as the case may be*), and severally acknowledged themselves to owe to our Sovereign Lady the Queen, Her Heirs and Successors, the several sums following, that is to say: the said A. B. the sum of and the said L. M. and N. O. the sum of , each, of good and lawful current money of Canada, to be made and levied of their several goods and chattels, lands and tenements respectively, to the use of our said Lady the Queen, Her Heirs and Successors, if he, the said A. B., fail in the condition endorsed.

Taken and acknowledged the day and year first above mentioned, at before me.

J. S.

CONDITION.

CONDITION.

The condition of the within written recognizance is such, that whereas the within bounden A. B. was this day (*or* on last past) charged before me for that (*&c. as in the Warrant*:) And whereas the examination of the Witnesses for the prosecution in this behalf is adjourned until the day of (*instant*:) If therefore the said A. B. shall appear before me on the said day of (*instant*), at o'clock in the (*fore*) noon, or before such other Justice or Justices of the Peace for the said District (*or* County *or* United Counties, of *or as the case may be*), as may then be there, to answer (*further*) to the said charge, and to be further dealt with according to law, the said recognizance to be void, or else to stand in full force and virtue.

(Q 3) *See* s. 44.

NOTICE OF RECOGNIZANCE TO BE GIVEN TO THE ACCUSED AND HIS SURETIES.

Canada,
Province of ,
District (*or* County, United Counties, *or as the case may be*) of

Take notice that you A. B. of , are bound in the sum of , and your Sureties L. M. and N. O. in the sum of , each, that you A. B. appear before me J. S, one of Her Majesty's Justices of the Peace for the District (*or* County, United Counties, *or as the case may be*), of , on , the day of (*instant*,) at o'clock in the (*fore*) noon, at , or before such other Justice or Justices of the same District, (*or* County, United Counties, *or as the case may be*) as may then be there, to answer (*further*) to the charge made against you by C. D. and to be further dealt with according to law; and unless you A. B. personally appear accordingly, the Recognizance entered into by yourself and Sureties will be forthwith levied on you and them.

Dated this day of , one thousand eight hundred and

J. S.

(Q 4) *See* s. 45.

CERTIFICATE OF NON-APPEARANCE TO BE ENDORSED ON THE RECOGNIZANCE.

I hereby certify that the said A. B. hath not appeared at the time

time and place, in the above condition mentioned, but therein hath made default, by reason whereof the within written Recognizance is forfeited.

J. S.

(R 1) *See* s. 47.

WARRANT TO CONVEY THE ACCUSED BEFORE A JUSTICE OF THE COUNTY IN WHICH THE OFFENCE WAS COMMITTED.

Canada,
Province of ,
District (*or* County, United Counties, *or as the case may be*,) of

To all or any of the Constables, or other Peace Officers in the said District (*or* County, United Counties, *or as the case may be*) of

Whereas A. B. of (*laborer*), hath this day been charged before the undersigned (*one*) of Her Majesty's Justices of the Peace in and for the said District (*or* County, United Counties, *or as the case may be*) of , for that (*&c. as in the Warrant to apprehend*); And whereas (*I*) have taken the deposition of C. D. a witness examined by (*me*) in this behalf, but inasmuch as (*I*) am informed that the principal witnesses to prove the said offence against the said A. B. reside in the District (*or* County, United Counties, *or as the case may be*,) of where the said offence is alleged to have been committed: These are therefore to command you, in Her Majesty's name, forthwith to take and convey the said A. B. to the said District (*or* County, United Counties, *or as the case may be*) of and there carry him before some Justice or Justices of the Peace in and for that District (*or* County, United Counties, *or as the case may be*,) and near unto the (*Township of*) where the offence is alleged to have been committed, to answer further to the said charge before him or them, and to be further dealt with according to law; and (*I*) hereby further command you to deliver to the said Justice or Justices the information in this behalf, and also the said deposition of C. D. now given into your possession for that purpose, together with this Precept.

Given under my hand and seal, this day of , in the year of our Lord , at , in the District (*or* County, *&c.*,) of , aforesaid.

J. S. [L. S.]

(R 2)

(R 2) *See* s. 49.

RECEIPT TO BE GIVEN TO THE CONSTABLE BY THE JUSTICE FOR THE COUNTY IN WHICH THE OFFENCE WAS COMMITTED.

Canada, ,
Province of
District (*or* County,
United Counties, *or*
as the case may be)
of

I, J. P. one of Her Majesty's Justices of the Peace, in and for the District (*or* County, *&c.*) of , hereby certify that W. T. Constable, *or* Peace Officer, of the District (*or* County, United Counties, *or as the case may be*) of , has on this day of , one thousand eight hundred and , by virtue of and in obedience to a Warrant of J. S., Esquire, one of Her Majesty's Justices of the Peace in and for the District (*or* County, United Counties, *or as the case may be*) of , produced before me, one A. B. charged before the said J. S. with having (*&c., stating shortly the offence,*) and delivered him into the custody of by my direction, to answer to the said charge, and further to be dealt with according to law, and has also delivered unto me the said warrant, together with the information (*if any*) in that behalf, and the deposition (*s*) of C. D. (*and of*) in the said warrant mentioned, and that he has also proved to me upon oath, the hand-writing of the said J. S. subscribed to the same.

Dated the day and year first above mentioned, at , in the said District (*or* County, *&c.*) of .

J. P.

(S 1) *See* s. 52.

RECOGNIZANCE OF BAIL.

Canada,
Province of ,
District (*or* County,
United Counties, *or*
as the case may be)
of

Be it remembered, that on the day of in the year of Our Lord , A. B. of , (*laborer,*) L. M. of (*grocer,*) and N. O. of , (*butcher,*) personally came before (*us*) the undersigned, (*two*) of Her Majesty's Justices of the Peace for the District (*or* County, United Counties, *or as the case may be,*) of and severally acknowledged themselves to owe to our Sovereign Lady the Queen, Her Heirs and Successors, the several sums following, that is to say: the said A. B. the sum of and

, and the said L. M. and N. O. the sum of , each, of good and lawful current money of Canada, to be made and levied of their several goods and chattels, lands and tenements respectively, to the use of Our said Sovereign Lady the Queen, Her Heirs and Successors, if he, the said A. B., fail in the condition endorsed.

Taken and acknowledged the day and year first above mentioned, at before us.

J. S.
J. N.

CONDITION.

The condition of the within written Recognizance is such, that whereas the said A. B. was this day charged before (*us*,) the Justices within mentioned for that (*&c., as in the Warrant*); if there fore the said A. B. will appear at the next Court of Oyer and Terminer (*or* General Gaol Delivery (*or* Court of General or Quarter Sessions of the Peace) to be holden in and for the District (*or* County, United Counties, *or as the case may be*) of , and there surrender himself into the custody of the Keeper of the *Common Gaol or Lock-up House*) there, and plead to such indictment as may be found against him by the Grand Jury, for and in respect to the charge aforesaid, and take his trial upon the same, and not depart the said Court without leave, then the said Recognizance to be void, or else to stand in full force and virtue.

(S 2) *See* s. 52.

NOTICE OF THE SAID RECOGNIZANCE TO BE GIVEN TO THE ACCUSED AND HIS BAIL.

Take notice that you A. B., of , are bound in the sum of , and your sureties (L. M. and N. O.) in the sum of , each, that you A. B. appear (*&c., as in the condition of the Recognizance*,) and not depart the said Court without leave; and unless you, the said A. B., personally appear and plead, and take your trial accordingly, the Recognizance entered into by you and your Sureties shall be forthwith levied on you and them.

Dated this day of , one thousand eight hundred and J. S.

(S 3) *See* ss. 53, 55.

WARRANT OF DELIVERANCE ON BAIL BEING GIVEN FOR A PRISONER ALREADY COMMITTED.

Canada,
Province of ,
District (*or* County,
United Counties, *or*
as the case may be)
of

To the Keeper of the Common Gaol of the District (*or* County, United

United Counties, *or as the case may be*) of at , in the said District (*or* County, United Counties, *or as the case may be*)

Whereas A. B. late of , (*laborer*,) hath before (*us*) (*two*) of Her Majesty's Justices of the Peace in and for the said District (*or* County, United Counties, *or as the case may be*) of , entered into his own Recognizance, and found sufficient sureties for his appearance at the next Court of Oyer and Terminer or General Gaol Delivery (*or* Court of General *or* Quarter Sessions of the Peace) to be holden in and for the District (*or* County, United Counties, *or as the case may be*) of ,to answer Our Sovereign Lady the Queen, for that (*&c., as in the commitment*), for which he was taken and committed to your said Common Gaol: These are therefore to command you, in Her said Majesty's name, that if the said A. B. do remain in your custody in the said Common Gaol for the said cause, and for no other, you shall forthwith suffer him to go at large.

Given under our Hands and Seals, this day of , in the year of our Lord , at in the District (*or* County, &c.,) aforesaid.

J. S, [L. S.]
J. N. [L. S.]

(T 1) *See* s. 56.

WARRANT OF COMMITMENT.

Canada,
Province of ,
District (*or* County, United Counties, *or as the case may be*) of

To all or any of the Constables, or other Peace Officers, in the District (*or* County, United Counties, *or as the case may be*) of , and to the Keeper of the Common Gaol of the District (*or* County, United Counties, *or as the case may be*) at , in the said District (*or* County, &c.,) of

Whereas A. B. was this day charged before (*me*) J. S. (*one*) of Her Majesty's Justices of the Peace in and for the said District (*or* County, United Counties, *or as the case may be*) of on the oath of C. D., of (*farmer*,) and others, for that, (*&c., stating shortly the offence*); These are therefore to command you the said Constables or Peace Officers, or any of you, to take the said A. B., and him safely convey to the Common Gaol at aforesaid, and there deliver him to the Keeper thereof, together with this Precept; And I do hereby command you the said Keeper of the said Common Gaol to receive the said A. B., into your custody in the said Common Gaol, and there safely to

to keep him until he shall be thence delivered by due course of law.

Given under my Hand and Seal, this day of , in the year of Our Lord , at , in the District (*or* County, &c.,) of aforesaid

J. S. [L. S.]

T 2) *See* s. 57.

GAOLERS' RECEIPT TO THE CONSTABLE FOR THE PRISONER.

I hereby certify that I have received from W. T. Constable, of the District (*or* County, &c.,) of , the body of A. B., together with a Warrant under the Hand and Seal of J. S., Esquire, one of Her Majesty's Justices of the Peace for the said District (*or* County, United Counties, *or as the case may be*,) of , and that the said A. B. was (sober, *or as the case may be*,) at the time he was delivered into my custody.

P. K.

Keeper of the Common Gaol of the said District (*or* County, &c.)

CAP. XXXI.

An Act respecting the duties of Justices of the Peace, out of Sessions, in relation to summary convictions and orders.

[*Assented to 22nd June*, 1869.]

Preamble.

WHEREAS it is expedient to assimilate, amend and consolidate the statute law of the several Provinces of Quebec, Ontario, Nova Scotia and New Brunswick, respecting the duties of Justices of the Peace out of Sessions in relation to summary convictions and orders, and to extend the same as so amended to all Canada: Therefore, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

When an information is laid, &c., before a Justice of the Peace, &c., such Justices may issue a summons to the party accused.

1. In all cases where an information is laid before one or more of Her Majesty's Justices of the Peace for any Territorial Division of Canada, that any person, being within the jurisdiction of such Justice or Justices, has committed or is suspected to have committed any offence or act over which the Parliament of Canada has jurisdiction, and for which he is liable by law, upon a Summary Conviction for the same before a Justice or Justices of the Peace, to be imprisoned or fined, or otherwise punished, and also in all cases where a complaint is made to any such Justice or Justices in relation to any matter over which the Parliament of Canada has jurisdiction, and upon which he or they have authority by law to make any order for the payment of money or otherwise, such Justice or Justices of the Peace may issue his or their Summons (A), directed to such person, stating shortly the matter of the information or complaint, and requiring him to appear at a certain time and place, before the same Justice or Justices, or before such other

Form of summons.

other Justice or Justices of the same Territorial Division as may then be there, to answer to the said information or complaint, and to be further dealt with according to law.

2. Every such Summons shall be served by a Constable or other Peace Officer, or other person to whom the same may be delivered, upon the person to whom it is directed, by delivering the same to the party personally, or by leaving it with some person for him at his last or most usual place of abode.

Service of Summons.

3. The Constable, Peace Officer, or person who serves the same, shall attend at the time and place, and before the Justice or Justices in the Summons mentioned, to depose, if necessary, to the service thereof.

Proof of service.

4. But nothing hereinbefore contained shall oblige any Justice or Justices of the Peace to issue any such Summons in any case where the application for any order of Justices is by law to be made *ex parte*.

Proviso as to *ex parte* cases.

5. No objection shall be allowed to any information, complaint or summons, for any alleged defect therein, in substance or in form, or for any variance between such information, complaint or summons, and the evidence adduced on the part of the informant or complainant at the hearing of such information or complaint; but if any such variance appears to the Justice or Justices present and acting at such hearing to be such, that the person summoned and appearing has been thereby deceived or misled, such Justice or Justices, may, upon such terms as he or they think fit, adjourn the hearing of the case to a future day.

No objection allowed on account of defect or variance.

Proviso.

6. If the person served with a Summons does not appear before the Justice or Justices at the time and place mentioned in the Summons, and it be made to appear to the Justice or Justices, by oath or affirmation, that the Summons was duly served what the Justice or Justices deem a reasonable time before the time therein appointed for appearing to the same, then the Justice or Justices, upon oath or affirmation being made before him or them, substantiating the matter of the information or complaint to his or their satisfaction, may, if he or they think fit, issue his or their Warrant (B) to apprehend the party so summoned, and to bring him before the same Justice or Justices or before some other Justice or Justices of the Peace in and for the same Territorial Division, to answer to the said information or complaint, and to be further dealt with according to law; or the Justice or Justices before whom any such information is laid, for any such offence as aforesaid, punishable on conviction, upon oath or affirmation being made before him or them substantiating the matter of the information to his, or their satisfaction, may, if he or they think fit, instead of issuing a Summons, issue in the first instance his or their Warrant (C) for apprehending the person against whom the information has been laid, and bringing him before the same Justice or Justices, or before some

If the summons having been duly served, &c., is not obeyed, the Justice may issue his warrant.

Warrant may issue in the first instance on information supported by oath, &c.

some other Justice or Justices of the Peace in and for the same Territorial Division, to answer to the information and to be further dealt with according to law; Provided that where a warrant is issued in the first instance, the Justice issuing it shall furnish a copy or copies thereof, and cause a copy to be served on each party arrested at the time of such arrest.

Proviso: Copy of warrant to be served on defendant.

Justice may proceed *ex parte*, if summons duly served is not obeyed, &c.

7. If where a summons has been issued, and upon the day and at the place therein appointed for the appearance of the party summoned, the party fails to appear in obedience to the Summons, then, if it be proved upon oath or affirmation to the Justice or Justices present, that a Summons was duly served upon the party a reasonable time before the time appointed for his appearance, the Justice or Justices of the Peace may proceed *ex parte* to the hearing of the information or complaint, and adjudicate thereon, as fully and effectually to all intents and purposes as if the party had personally appeared before him or them in obedience to the Summons.

Warrant to be under hand and seal: to whom directed and what to contain.

8. Every Warrant to apprehend a Defendant that he may answer to an information or complaint shall be under the hand and seal or hands and seals of the Justice or Justices issuing the same, and may be directed to any one or more or to all of the Constables (or other Peace Officers, of the Territorial Division within which it is to be executed, or to such Constable and all other Constables in the Territorial Division within which the Justice or Justices who issued the Warrant hath or have jurisdiction, or generally to all the Constables (or Peace Officers) within such Territorial Division, and it shall state shortly the matter of the information or complaint on which it is founded, and shall name or otherwise describe the person against whom it has been issued, and it shall order the Constables (or other Peace Officers) to whom it is directed, to apprehend the Defendant, and to bring him before one or more Justice or Justices of the Peace, of the same Territorial Division, as the case may require, to answer to the information or complaint and to be further dealt with according to law.

Duration of warrant, and how to be executed.

9. It shall not be necessary to make the Warrant returnable at any particular time, but the same may remain in full force until executed; and the Warrant may be executed by apprehending the Defendant at any place in the Territorial Division within which the Justices who issued the same have jurisdiction, or, in case of fresh pursuit, at any place in the next adjoining Territorial Division, within seven miles of the border of the first mentioned Territorial Division, without having the Warrant backed as hereinafter mentioned.

What officer may execute it, and where.

10. In all cases where the Warrant is directed to all Constables or Peace Officers in the Territorial Division within which the Justice or Justices who issued the same have jurisdiction, any Constable or Peace Officer for any place within the limits of the jurisdiction may execute the Warrant in like manner as if the Warrant

was

was directed specially to him by name, and notwithstanding that the place in which the Warrant is executed be not within the place for which he is a Constable or Peace Officer.

11. If any person against whom any Warrant has been issued be not found within the jurisdiction of the Justice or Justices by whom it was issued, or, if he escapes into, or is, or is suspected to be in any place within Canada, out of the jurisdiction of the Justice or Justices who issued the Warrant, any Justice of the Peace, within whose jurisdiction such person may be or be suspected to be, upon proof upon oath or affirmation of the handwriting of the Justice or Justices issuing the Warrant, may make an endorsement upon it, signed with his name, authorizing the execution of the Warrant within his jurisdiction; and such endorsement shall be a sufficient authority to the person bringing the Warrant, and to all other persons to whom it was originally directed, and to all Constables or other Peace Officers of the Territorial Division wherein the endorsement has been made, to execute the same in any place within the jurisdiction of the Justice of the Peace endorsing the same, and to carry the offender, when apprehended, before the Justice or Justices who first issued the Warrant or some other Justice having the same jurisdiction. Backing the warrant in another jurisdiction: its effect.

12. No objection shall be taken or allowed to any Warrant issued as aforesaid, for any alleged defect therein in substance or in form, or for any variance between it and the evidence adduced on the part of the Informant or Complainant, but if it appears to the Justice or Justices present and acting at the hearing, that the party apprehended under the Warrant has been deceived or misled by any such variance, such Justice or Justices may, upon such terms as he or they think fit, adjourn the hearing of the case to some future day, and in the meantime commit (D) the Defendant to the Common Gaol, or other prison, or place of security within the Territorial Division or place wherein the Justice or Justices may be acting, or to such other custody as the Justice or Justices think fit, or may discharge him upon his entering into a Recognizance (E), with or without surety or sureties, at the discretion of the Justice or Justices, conditioned for his appearance at the time and place to which the hearing is so adjourned. No objection allowed for want of form: but adjournment in certain cases; and on what conditions.

13. In all cases where a Defendant is discharged upon Recognizance and does not afterwards appear at the time and place in the Recognizance mentioned, the Justice who took the Recognizance, or any Justice or Justices who may then be present, having certified (F) upon the back of the Recognizance the non-appearance of the Defendant, may transmit such Recognizance to the proper Officer in the Province appointed by law to receive the same, to be proceeded upon in like manner as other Recognizances, and such Certificate shall be deemed sufficient *primâ facie* evidence of the non-appearance of the said Defendant, and the Justice or Justices may issue his or their Warrant for the apprehension of the Defendant on the information or complaint. Where a defendant is discharged on recognizance and fails to appear, &c.

14.

Description of property of partners, municipal corporations, &c., in any information or complaint, or proceedings thereon.

14. In any information or complaint or proceedings thereon, in which it is necessary to state the ownership of any property belonging to or in possession of partners, joint tenants, parceners or tenants in common, or *par indivis*, it shall be sufficient to name one of such persons, and to state the property to belong to the person so named and another, or others, as the case may be; and whenever in any information or complaint or the proceedings thereon, it is necessary to mention, for any purpose whatsoever, any partners, joint tenants, parceners or tenants in common, or *par indivis*, it shall be sufficient to describe them in the manner aforesaid; and whenever in any information or complaint, or the proceedings thereon, it is necessary to describe the ownership of any work or building made, maintained or repaired at the expense of the Corporation or inhabitants of any Territorial Division or place, or of any materials for the making, altering or repairing the same, they may be therein described as the property of the inhabitants of such Territorial Division or place.

Aiders and abettors of offences punishable on summary conviction, how liable.

15. Every person who aids, abets, counsels or procures the commission of any offence which is punishable on summary conviction, shall be liable to be proceeded against and convicted for the same, either together with the principal offender, or before or after his conviction, and shall be liable, on conviction, to the same forfeiture and punishment as the principal offender, and may be proceeded against and convicted either in the Territorial Division or place where the principal offender may be convicted, or in that in which the offence of aiding, abetting, counselling or procuring was committed.

Summons to person likely to give material evidence.

16. If it be made to appear to any Justice of the Peace, by the oath or affirmation of any credible person, that any person within the jurisdiction of such Justice is likely to give material evidence on behalf of the Prosecutor or complainant or Defendant, and will not voluntarily appear as a witness at the time and place appointed for the hearing of the information or complaint, the Justice shall issue his Summons (G 1) to such person, requiring him to be and appear at a time and place mentioned in the summons, before the said Justice, or any other Justice or Justices of the Peace for the Territorial Division, who may then be there, to testify what he knows concerning the information or complaint.

Warrant if such person fails to appear.

17. If any person so summoned neglects or refuses to appear at the time and place appointed by the Summons, and no just excuse be offered for such neglect or refusal, then (after proof upon oath or affirmation of the Summons having been served upon him, either personally or by leaving the same for him with some person at his last or most usual place of abode) the Justice or Justices before whom such person should have appeared may issue a Warrant (G 2) to bring and have such person, at a time and place to be therein mentioned, before the Justice who issued the Summons, or before any other Justice or Justices of the Peace for the same Territorial Division who may be then there, to testify as aforesaid, and the

the said Warrant may, if necessary, be backed as hereinbefore mentioned, in order to its being executed out of the jurisdiction of the Justice who issued the same. May be backed.

18. If the Justice is satisfied, by evidence upon oath or affirmation, that it is probable that the person will not attend to give evidence without being compelled so to do, then instead of issuing a Summons he may issue his Warrant (G 3) in the first instance, and the warrant may, if necessary, be backed as aforesaid. Warrant in the first instance.

19. If on the appearance of the person so summoned before the last mentioned Justice or Justices, either in obedience to the Summons, or upon being brought before him or them, by virtue of the Warrant, such person refuses to be examined upon oath or affirmation concerning the premises, or refuses to take an oath or affirmation, or having taken the oath or affirmation refuses to answer such questions concerning the premises as are then put to him, without offering any just excuse for his refusal, any Justice of the Peace then present, and having jurisdiction, may, by Warrant (G 4), commit the person so refusing to the Common Gaol or other prison for the Territorial Division where the person then is, there to remain and be imprisoned for any time not exceeding ten days, unless in the meantime, he consents to be examined and to answer concerning the premises. Commitment for refusal to give evidence.

20. In all cases of complaint upon which a Justice or Justices of the Peace may make an order for the payment of money or otherwise, it shall not be necessary that such complaint be in writing unless it be required to be so by some particular Act or Law upon which such complaint is framed. Certain complaints need not be in writing, &c.

21. In all cases of informations for offences or acts punishable upon summary conviction, any variance between the information and the evidence adduced in support thereof as to the time at which such offence or act is alleged to have been committed, shall not be deemed material, if it be proved that such information was in fact laid within the time limited by law for laying the same; and any variance between the information and the evidence adduced in support thereof, as to the place in which the offence or act is alleged to have been committed, shall not be deemed material, if the offence or act be proved to have been committed within the jurisdiction of the Justice or Justices by whom the information is heard and determined. Certain variances as to time and place, between information and evidence not material.

22. If any such variance, or any other variance between the information and the evidence adduced in support thereof, appears to the Justice or Justices present, and acting at the hearing, to be such that the party charged by the information has been thereby deceived or misled, the Justice or Justices, upon such terms as he or they think fit, may adjourn the hearing of the case to some future day, and in the meantime commit (D) the Defendant to the Common Gaol, or other prison, or to such other custody as the Justice or But if the Defendant has been misled, Justice may adjourn the case; and on what conditions.

or Justices think fit, or may discharge him upon his entering into a Recognizance (E), with or without Surety or Sureties, at the discretion of the Justice or Justices, conditioned for his appearance at the time and place to which the hearing is adjourned.

Defendant bailed and not appearing at proper time.

23. In all cases where a Defendant has been discharged upon Recognizance as aforesaid, and does not afterwards appear at the time and place in the Recognizance mentioned, the Justice who took the Recognizance, or any other Justice or Justices who may then be there present, having certified (F) upon the back of the Recognizance the non-appearance of the Defendant, may transmit the Recognizance to the proper Officer in the Province appointed by law to receive the same, to be proceeded upon in like manner as other Recognizances, and the Certificate shall be deemed sufficient *primâ facie* evidence of the non-appearance of the Defendant.

Complaints, &c., need not be on on oath, unless specially so provided.

24. All complaints upon which a Justice or Justices of the Peace are authorized by law to make an order, and all informations for any offence or act punishable upon summary conviction, unless some particular Act or Law otherwise requires, and except in cases where it is herein otherwise provided, may respectively be made or laid without any oath or affirmation as to the truth thereof.

Except where warrant is issued in the first instance.

Complaint or information to be be for one matter only: may be made by attorney.

25. But in all cases of informations, where the Justice or Justices receiving the same, thereupon issue his or their Warrant in the first instance, to apprehend the Defendant, and in every case where the Justice or Justices issue his or their Warrant in the first instance, the matter of the information shall be substantiated by the oath or affirmation of the informant, or by some witness or witnesses on his behalf, before the Warrant shall be issued; and every complaint shall be for one matter of complaint only and not for two or more matters of complaint, and every information shall be for one offence only, and not for two or more offences, and every complaint or information may be laid or made by the complainant or informant in person, or by his Counsel or Attorney, or other person authorized in that behalf.

When no time is limited for information or complaint.

Exception as to part of County of Saguenay.

26. In all cases where no time is specially limited for making any complaint or laying any information in the Act or Law relating to the particular case, the complaint shall be made and the information shall be laid within three months from the time when the matter of the complaint or information arose, except in that part of the county of Saguenay which extends from Portneuf in the said county, to the eastward as far as the limits of Canada, including all the Islands adjoining thereto, where the time within which such complaint shall be made, or such information shall be laid, shall be extended to twelve months from the time when the matter of the complaint or information arose.

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27. Every complaint and information shall be heard, tried, determined and adjudged by one Justice or two or more Justices of the Peace, as may be directed by the Act or Law upon which the complaint or information is framed, or by any other Act or Law in that behalf. As to the hearing of complaints and information.

28. If there be no such direction in any Act or Law, then the complaint or information may be heard, tried, determined and adjudged by any one Justice for the Territorial Division where the matter of the complaint or information arose. If there be no direction in the Act.

29. The room or place in which the Justice or Justices sit to hear and try any complaint or information, shall be deemed an open and public Court to which the public generally may have access, so far as the same can conveniently contain them. To be deemed an open Court.

30. The party against whom the complaint is made or information laid, shall be admitted to make his full answer and defence thereto, and to have the witnesses examined and cross-examined by Counsel or Attorney on his behalf. Defendant may make full defence, and produce witnesses.

31. Every Complainant or Informant in any such case shall be at liberty to conduct the complaint or information, and to have the witnesses examined and cross-examined by Counsel or Attorney on his behalf. Prosecutor may be heard by counsel or attorney.

32. If on the day and at the place appointed by the summons for hearing and determining the complaint or information, the Defendant against whom the same has been made or laid does not appear when called, the Constable, or other person who served him with the summons, shall declare upon oath in what manner he served the summons; and if it appear to the satisfaction of the Justice or Justices that he duly served the summons, then the Justice or Justices may proceed to hear and determine the case in the absence of the Defendant, or the Justice or Justices, upon the non-appearance of the Defendant, may, if he or they think fit, issue his or their warrant in manner hereinbefore directed, and shall adjourn the hearing of the complaint or information until the Defendant is apprehended. In case the defendant does not appear. Proceeding *ex parte*, or warrant and adjournment.

33. When the Defendant has been apprehended under the warrant, he shall be brought before the same Justice or Justices, or some other Justice or Justices of the Peace for the same Territorial Division, who shall thereupon, either by his or their warrant (H) commit the Defendant to the Common Gaol, or other prison, or if he or they think fit, verbally to the custody of the Constable or other person who apprehended him, or to such other safe custody as he or they deem fit; and may order the Defendant to be brought up at a certain time and place before him or them, of which order the Complainant or Informant shall have due notice, but no committal under this section shall be for more than one week. When defendant has been apprehended, &c. Proviso.

If defendant appears, &c., and the complainant does not discharge, or adjournment on recognizance.

34. If upon the day and at the place so appointed, the Defendant appears voluntarily in obedience to the summons in that behalf served upon him, or is brought before the Justice or Justices by virtue of a warrant, then, if the Complainant or Informant, having had due notice, does not appear by himself, his Counsel or Attorney, the Justice or Justices shall dismiss the complaint or information, unless for some reason he or they think proper to adjourn the hearing of the same until some other day, upon such terms as he or they think fit, in which case the Justice or Justices may commit (D) the Defendant in the meantime to the Common Gaol, or other prison, or to such other custody as he or they think fit, or may discharge him upon his entering into a recognizance (E) with or without surety or sureties, at the discretion of the Justice or Justices, conditioned for his appearance at the time and place to which such hearing may be adjourned.

If defendant afterwards fails to appear, &c.

35. If the Defendant does not afterwards appear at the time and place mentioned in his Recognizance, then the Justice who took the Recognizance, or any Justice or Justices then and there present, having certified (F) on the back of the recognizance the non-appearance of the Defendant, may transmit the recognizance to the proper officer appointed to receive the same, to be proceeded upon in like manner as other recognizances, and such certificate shall be deemed sufficient *primâ facie* evidence of the non-appearance of the Defendant.

If both parties appear.

36. If both parties appear, either personally or by their respective Counsel or Attorneys, before the Justice or Justices who are to hear and determine the complaint or information, then the said Justice or Justices shall proceed to hear and determine the same.

Proceedings on the hearing.

37. In case the Defendant be present at the hearing, the substance of the information or complaint shall be stated to him, and he shall be asked if he has any cause to shew why he should not be convicted, or why an order should not be made against him, as the case may be.

Justice may convict, &c., if defendant admits the truth.

38. If he thereupon admits the truth of the information or complaint, and shews no sufficient cause why he should not be convicted, or why an order should not be made against him, as the case may be, the Justice or Justices present at the hearing, shall convict him or make an order against him accordingly.

If he does not admit the truth, &c., examination of witnesses, &c.

39. If he does not admit the truth of the information or complaint, the Justice or Justices shall proceed to hear the Prosecutor or Complainant and such witnesses as he may examine, and such other evidence as he may adduce in support of his information or complaint, and shall also hear the Defendant and such witnesses as he may examine, and such other evidence as he may adduce in his defence, and also hear such witnesses as the Prosecutor or Complainant may examine in reply, if such Defendant has examined

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any witnesses or given any evidence other than as to his (the Defendant's) general character.

40. The Prosecutor or Complainant shall not be entitled to make any observations in reply, upon the evidence given by the Defendant, nor shall the Defendant be entitled to make any observations in reply upon the evidence given by the Prosecutor or Complainant in reply. As to observations by either party.

41. The Justice or Justices, having heard what each party has to say, and the witnesses and evidence adduced, shall consider the whole matter and, unless otherwise provided, determine the same, and convict or make an Order upon the Defendant, or dismiss the information or complaint as the case may be. Decision of the case.

42. If he or they convict or make an order against the Defendant, a minute or memorandum thereof shall then be made, for which no fee shall be paid, and the conviction (I 1, 2, 3) or order (K 1, 2, 3) shall afterwards be drawn up by the Justice or Justices in proper form, under his or their hand and seal or hands and seals. Minute of conviction to be made.

43. If the Justice or Justices dismiss the information or complaint, he or they may, when required so to do, make an order of dismissal of the same (L), and shall give the Defendant a Certificate thereof (M), which Certificate upon being afterwards produced, shall without further proof, be a bar to any subsequent information or complaint for the same matter, against the same party. Certificate if he dismiss the complaint, &c.

44. If the information or complaint in any case negatives any exemption, exception, proviso, or condition in the Statute on which the same is framed, it shall not be necessary for the Prosecutor or Complainant to prove such negative, but the Defendant may prove the affirmative thereof in his defence, if he would have advantage of the same. If information or complaint negatives any exemption, &c.

45. Every prosecutor of any information not having any pecuniary interest in the result, and every complainant in any complaint whatever his interest may be in the result of the same, shall be a competent witness to support such information or complaint; and every witness at any hearing shall be examined upon oath or affirmation, and the Justice or Justices before whom any witness appears for the purpose of being examined, shall have full power and authority to administer to every witness the usual oath or affirmation; provided that no prosecutor shall be deemed incompetent as a witness on the ground only that he may be liable to costs. Prosecutors and complainants in certain cases to be competent witnesses, and examined upon oath, &c. Proviso.

46. Before or during the hearing of any information or complaint, any one Justice or the Justices present, may in his or their discretion, adjourn the hearing of the same to a certain time and place to be then appointed and stated in the presence and hearing of the party or parties, or of their respective Attorneys or Agents then present, and in the meantime the Justice or Justices may suffer the Justice may adjourn hearing of any case and commit defendant or suffer him to go at large on recognizance.

the Defendant to go at large or may commit (D) him to the Common Gaol or other prison, within the Territorial Division for which the Justice or Justices are then acting, or to such other safe custody as the Justice or Justices think fit, or may discharge the Defendant upon his recognizance (E), with or without sureties, at the discretion of the Justice or Justices, conditioned for his appearance at the time and place to which such hearing or further hearing is adjourned, but no such adjournment shall be for more than one week.

Proviso.

If defendant or prosecutor do not appear, the case may nevertheless be heard.

47. If, at the time and place to which the hearing or further hearing has been adjourned, either or both of the parties do not appear, personally or by his or their Counsel or Attorneys respectively, before the Justice or Justices or such other Justice or Justices as may then be there, the Justice or Justices then there present may proceed to the hearing or futher hearing as if the party or parties were present.

If the prosecutor does not appear.

48. If the Prosecutor or Complainant do not appear, the Justice or Justices may dismiss the information with or without costs, as to him or them seems fit.

If defendant fails to re-appear, &c.

49. In all cases when a Defendant is discharged upon his recognizance, and does not afterwards appear at the time and place mentioned in the recognizance, the Justice or Justices who took the recognizance, or any other Justice or Justices who may then be there present, having certified (F) on the back of the recognizance the non-appearance of the accused party, may transmit such recognizance to the proper officer appointed to receive the same by the laws of the Province in which the recognizance was taken, to be proceeded upon in like manner as other recognizances, and such certificate shall be deemed sufficient *prima facie* evidence of the non-appearance of the Defendant.

Form of convictions may be as in schedule where no form is given in any future Statute.

50. In all cases of conviction where no particular form of conviction is given by the Act or Law creating the offence or regulating the prosecution for the same, and in all cases of conviction upon Acts or Laws hitherto passed, whether any particular form of conviction has been therein given or not, the Justice or Justices who convict, may draw up his or their conviction, on parchment or on paper, in such one of the forms of conviction (I 1, 2, 3) as may be applicable to the case, or to the like effect.

Where no special form of order is so given, form in schedule may be adopted.

51. In case an order be made, and no particular form of order is given by the Act or Law giving authority to make such order, and in all cases of orders made under the authority of any Acts or Laws hitherto passed, whether any particular form of order is therein given or not, the Justice or Justices by whom the order is made, may draw up the same in such one of the forms of orders (K 1, 2, 3) as may be applicable to the case, or to the like effect.

52. In all cases when by any Act or Law authority is given to commit a person to prison, or to levy any sum upon his goods or chattels by distress, for not obeying an order of a Justice or Justices, the Defendant shall be served with a copy of the Minute of the Order before any warrant of commitment or of distress is issued in that behalf, and the Order or Minute shall not form any part of the warrant of commitment or of distress. Defendant to be served with copy of the minute before distress or commitment.

53. In all cases of Summary Conviction, or of Orders made by a Justice or Justices of the Peace, the Justice or Justices making the same, may in his or their discretion, award and order in and by the conviction or order, that the Defendant shall pay to the Prosecutor or Complainant such costs as to the said Justice or Justices seem reasonable in that behalf, and not inconsistent with the fees established by law to be taken on proceedings had by and before Justices of the Peace. Justices may award costs not inconsistent with the fees established by law.

54. In cases where the Justice or Justices, instead of convicting or making an order, dismiss the information or complaint, he or they, in his or their discretion, may, in and by his or their order of dismissal, award and order that the Prosecutor or Complainant shall pay to the Defendant such costs as to the said Justice or Justices seem reasonable and consistent with law. Costs may be awarded to defendant when the case is dismissed.

55. The sums so allowed for costs shall in all cases be specified in the conviction or order, or order of dismissal, and the same shall be recoverable in the same manner and under the same Warrants as any penalty adjudged to be paid by the conviction or order is to be recovered. Costs so allowed shall be specified.

56. In cases where there is no such penalty to be recovered, such costs shall be recoverable by distress and sale of the goods and chattels of the party, and in default of distress, by imprisonment, with or without hard labour, for any time not exceeding one month, unless the costs be sooner paid. And may be recovered by distress.

57. Where a conviction adjudges a pecuniary penalty or compensation to be paid, or where an order requires the payment of a sum of money, and by the Act or Law authorizing such conviction or order, the penalty, compensation, or sum of money is to be levied upon the goods and chattels of the Defendant, by distress and sale thereof; and also in cases where, by the Act or Law in that behalf, no mode of raising or levying the penalty, compensation or sum of money, or of enforcing the payment of the same, is stated or provided, the Justice or any one of the Justices making such conviction or order, or any Justice of the Peace for the same Territorial Division, may issue his Warrant of Distress (N 1, 2) for the purpose of levying the same, which Warrant of Distress shall be in writing, under the hand and seal of the Justice making the same. Justice may issue warrant of distress in cases where a pecuniary penalty, &c., has been adjudged.

58.

In certain cases warrant may be backed for execution in another jurisdiction.

58. If, after delivery of the warrant of distress to the Constable or Constables to whom the same has been directed to be executed, sufficient distress cannot be found within the limits of the jurisdiction of the Justice granting the warrant, then upon proof being made upon oath or affirmation of the handwriting of the Justice granting the warrant, before any Justice of any other Territorial Division, such Justice shall thereupon make an endorsement (N 3) on the warrant, signed with his hand, authorizing the execution of the warrant within the limits of his jurisdiction, by virtue of which warrant and endorsement the penalty or sum, and costs, or so much thereof as may not have been before levied or paid, shall be levied by the person bringing the warrant, or by the person or persons to whom the warrant was originally directed, or by any Constable or other Peace Officer of the last mentioned Territorial Division, by distress and sale of the goods and chattels of the Defendant therein.

When the issuing of a warrant would be ruinous to defendant, or there are no goods, Justice may commit him.

59. Whenever it appears to any Justice of the Peace to whom application is made for any warrant of distress, that the issuing thereof would be ruinous to the Defendant and his family, or whenever it appears to the Justice, by the confession of the Defendant or otherwise, that he hath no goods and chattels whereon to levy such distress, then the Justice, if he deems it fit, instead of issuing a warrant of distress, may (O 1, 2) commit the Defendant to the Common Gaol, or other prison in the Territorial Division, there to be imprisoned with or without hard labour, for the time and in the manner the Defendant could by law be committed in case such warrant of distress had issued, and no goods or chattels had been found whereon to levy the penalty or sum and costs.

When distress is issued, defendant may be bailed or detained until it is returned.

60. In all cases where a Justice of the Peace issues any warrant of distress, he may suffer the Defendant to go at large, or verbally, or by a written warrant in that behalf, may order the Defendant to be kept and detained in safe custody, until return has been made to the warrant of distress, unless the Defendant gives sufficient security, by recognizance or otherwise, to the satisfaction of the Justice, for his appearance before him at the time and place appointed for the return of the warrant of distress, or before such other Justice or Justices for the same Territorial Division, as may then be there.

If defendant does not afterwards appear, the recognizance to be certified and transmitted to the proper officer.

61. In all such cases where a Defendant gives security by recognizance, and does not afterwards appear at the time and place in the said recognizance mentioned, the Justice who hath the same, or any Justice or Justices who may then be there present, upon certifying (F) on the back of the recognizance the non-appearance of the Defendant, may transmit the recognizance to the proper officer appointed by law to receive the same, to be proceeded upon in like manner as other recognizances, and such certificate shall be deemed sufficient *primâ facie* evidence of the non-appearance of the Defendant.

62.

62. If at the time and place appointed for the return of any warrant of distress, the Constable, who has had execution of the same returns (N 4) that he could find no goods or chattels whereon he could levy the sum or sums therein mentioned, together with the costs of, or occasioned by the levy of the same, the Justice of the Peace before whom the same is returned may issue his warrant of commitment (N 5) directed to the same or any other Constable, reciting the conviction or order shortly, the issuing of the warrant of distress, and the return thereto, and requiring the Constable to convey the Defendant to the Common Gaol, or other prison of the Territorial Division for which the Justice is then acting, and there to deliver him to the Keeper thereof, and requiring the Keeper to receive the Defendant into such gaol or prison, and there to imprison him, or to imprison him and keep him to hard labour, in the manner and for the time directed by the Act or Law on which the conviction or order mentioned in the warrant of distress is founded, unless the sum or sums adjudged to be paid, and all costs and charges of the distress, and also the costs and charges of the commitment and conveying of the Defendant to prison, if such Justice thinks fit so to order (the amount thereof being ascertained and stated in such commitment,) be sooner paid; but if no term of imprisonment be specified in the Act or Law, the period for which the Justice shall order the Defendant to be so imprisoned shall not exceed three months. In default of sufficient distress, Justice may commit defendant to prison. Proviso: Term limited.

63. Where a Justice or Justices of the Peace, upon any information or complaint adjudges or adjudge the Defendant to be imprisoned, and the Defendant is then in prison undergoing imprisonment upon conviction for any other offence, the warrant of commitment for the subsequent offence shall be forthwith delivered to the gaoler or other Officer to whom it is directed, and the Justice or Justices who issued the same, if he or they think fit, may award and order therein, that the imprisonment for the subsequent offence shall commence at the expiration of the imprisonment to which the Defendant was previously sentenced. Imprisonment for a subsequent offence to commence at expiration of that for a previous offence.

64. When any information or complaint is dismissed with costs, the sum awarded for costs in the Order for Dismissal may be levied by distress [Q 1] on the goods and chattels of the Prosecutor or Complainant in the manner aforesaid; and in default of distress or payment, the Prosecutor or Complainant may be committed [Q 2] to the common gaol or other prison, in manner aforesaid, for any time not exceeding one month, unless such sum, and all costs and charges of the distress, and of the commitment and conveying of the prosecutor or complainant to prison (the amount thereof being ascertained and stated in the commitment), be sooner paid. If information be dismissed, costs may be recovered by distress on prosecutor.

65. In all cases where the sum adjudged to be paid on any summary conviction or order exceeds ten dollars, or the imprisonment adjudged exceeds one month, or the conviction has taken place before, or the order has been made by one Justice only, (unless Parties aggrieved may appeal in certain cases to the Court of General or

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Quarter Sessions, &c.

it be otherwise provided in the special Act under which the conviction takes place) any person who thinks himself aggrieved by any such conviction or order, may appeal in the Province of Quebec or Ontario, to the next Court of General or Quarter Sessions of the Peace, which shall be holden not less than twelve days after the day of such conviction or order, for the district, county or place wherein the cause of the complaint has arisen, or, in the Province of Quebec, to any other Court for the time being discharging the functions of such Court of General or Quarter Sessions, in and for such district, in the Province of Nova Scotia to the next term or sitting of the Supreme Court in the County, and in the Province of New Brunswick to a Judge of the Supreme Court or of the County Court of the County where the cause of the information or complaint has arisen; Provided that such person shall give to the prosecutor or complainant a notice in writing of such appeal, and of the cause and matter thereof, within four days after such conviction or order, and eight days, at the least, before the holding of such Court, and shall also either remain in custody until the holding of the Court, or shall enter into a recognizance, with two sufficient sureties, before a Justice or Justices of the Peace, conditioned personally to appear at the said Court and to try such appeal, and to abide the judgment of the Court thereupon, and to pay such costs as shall be by the Court awarded; or if such appeal is against any conviction or order whereby only a penalty or sum of money is adjudged to be paid, shall deposit with the Justice or Justices convicting or making the order such a sum of money as such Justice or Justices deem to be sufficient to cover the sum so adjudged to be paid, together with the costs of the conviction or order and the costs of the appeal; and upon such notice being given and such recognizance being entered into, or such deposit being made, the Justice or Justices before whom such recognizance is entered into, or such deposit has been made, shall liberate such person, if in custody; and the said Court shall hear and determine the matter of the appeal, and shall make such order therein, with or without costs to either party, as to the Court seems meet; and in case of the dismissal of the appeal, or the affirmance of the conviction or order, shall order and adjudge the offender to be punished according to the conviction, or the defendant to pay the amount adjudged by the said order and to pay such costs as may be awarded, and shall, if necessary, issue process for enforcing such judgment; and in any case where, after any such deposit has been made as aforesaid, the conviction or order is affirmed, the Court may order the sum thereby adjudged to be paid, together with the costs of the conviction or order, and the costs of the appeal, to be paid out of the money deposited, and the residue thereof, if any, to be repaid to the defendant; and in any case where, after any such deposit, the conviction or order is quashed, the Court shall order the money deposited to be repaid to the defendant, and in every case where any conviction or order is quashed on appeal as aforesaid, the Clerk of the Peace or other proper officer shall forthwith endorse on the conviction or order a memorandum that the same has been quashed; and whenever any copy or certificate of such conviction or

Proviso Appellant to give security or bail.

Or deposit such sum of money as will cover amount of judgment and costs.

Court to determine the matter: and may order payment, &c.

In case conviction or order is quashed, the Court to order repayment of deposit to appellant, and a memorandum to be endorsed on

or order is made, a copy of such memorandum shall be added thereto, and shall be sufficient evidence that the conviction or order has been quashed in every case where such copy or certificate would be sufficient evidence of such conviction or order. the conviction or order.

66. When an appeal has been lodged in due form and in compliance with the requirements of this Act, against any summary conviction or decision, the Court of General or Quarter Sessions of the Peace or Court appealed to, may at the request of either appellant or respondent, empannel a Jury to try the facts of the case, and shall administer to such Jury the following oath: Court appealed to may empanel a jury to try the case.

"You shall well and truly try the facts in dispute in the matter of A. B., (*the informant*) against C. D., (*the defendant*), and a true verdict give according to the evidence: So help you God." Oath of Juror.

And the Court, on the finding of the Jury, shall give such judgment as the law requires; and if a Jury be not so demanded, the Court shall try and be the absolute judges as well of the fact as of the law in respect to such conviction or decision; but no witness shall in either case be examined who was not examined before the Justice or Justices at the hearing of the case. Judgment. Proviso; as to evidence.

67. No judgment shall be given in favor of the appellant if the appeal is based on an objection to any information, complaint or summons, or to any warrant to apprehend a defendant, issued upon any such information, complaint or summons, for any alleged defect therein in substance or in form, or for any variance between such information, complaint, summons or warrant and the evidence adduced in support thereof at the hearing of such information or complaint,—unless it shall be proved before the Court hearing the appeal that such objection was made before the Justice or Justices of the Peace before whom the case was tried and by whom such conviction, judgment or decision was given —nor unless it is proved that notwithstanding it was shewn to such Justice or Justices of the Peace that by such variance the person summoned and appearing or apprehended, had been deceived or misled, such Justice or Justices refused to adjourn the hearing of the case to some further day, as provided by this Act. Appeal not to be based on alleged defect in form or substance, unless the same was objected to before the Justice, and he refused to adjourn the case, &c.

68. In all cases of appeal from any summary conviction or order had or made before any Justice or Justices of the Peace, the Court to which such appeal is made shall hear and determine the charge or complaint on which such conviction or order has been had or made upon the merits, notwithstanding any defect of form or otherwise in such conviction or order; and if the person charged or complained against is found guilty the conviction or order shall be affirmed and the Court shall amend the same if necessary, and any conviction or order so affirmed or affirmed and amended shall Decision to be given on the merits, notwithstanding defect of form in conviction, which may be amended.

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be enforced in the same manner as convictions or orders affirmed in appeal.

If appeal is abandoned, after notice given, costs to be recovered.

69. And for the more effectual prevention of frivolous appeals, the Court of General or Quarter Sessions of the Peace or other Court or Judge to whom an appeal is made, upon proof of notice of the appeal to such Court having been given to the person entitled to receive the same, though such appeal was not afterwards prosecuted or entered, may, if such appeal has not been abandoned according to law, at the same Court for which such notice was given, order to the party or parties receiving the same such costs and charges as by the said Court or Judge may be thought reasonable and just, to be paid by the party or parties giving such notice, such costs to be recoverable in the manner provided by this Act for the recovery of costs upon an appeal against an order or conviction.

Proceedings after appeal.

70. In case an appeal against any conviction or order be decided in favor of the Respondents, the Justice or Justices who made the conviction or order, or any other Justice of the Peace for the same Territorial Division, may issue the warrant of distress or commitment for execution of the same, as if no Appeal had been brought.

No *certiorari*, &c.

71. No conviction, or order or adjudication made in appeal therefrom, shall be quashed for want of form, or be removed by *certiorari* into any of Her Majesty's Superior Courts of record; and no warrant of commitment shall be held void by reason of any defect therein, provided it be therein alleged that the party has been convicted and there be a good and valid conviction to sustain the same.

Justice convicting to return the conviction.

72. Every Justice of the Peace before whom any person shall be summarily convicted of any offence by virtue of this Act, shall transmit the conviction to the Court of General or Quarter Sessions or to the Court discharging the functions of the Court of General or Quarter Sessions as aforesaid, or to any other Court or Judge to which the right to appeal is given by section sixty-five of this Act, as the case may be, in and for the District, County or place wherein the offence has been committed, before the time when an appeal from such conviction could be heard, there to be kept by the proper officer among the records of the Court; and if such conviction has been appealed against, and a deposit of money made, shall return the deposit into the said Court; and upon any indictment or information against any person for a subsequent offence, a copy of such conviction, certified by the proper officer of the Court, or proved to be a true copy, shall be sufficient evidence to prove a conviction for the former offence, and the conviction shall be presumed to have been unappealed against, until the contrary be shown.

And the deposit money, if any.

Certificate of conviction.

73. In all cases where it appears by the conviction, that the defendant has appeared and pleaded, and the merits have been tried, and that the defendant has not appealed against the conviction where an appeal is allowed, or if appealed against, the conviction has been affirmed, such conviction shall not afterwards be set aside or vacated in consequence of any defect of form whatever, but the construction shall be such a fair and liberal construction as will be agreeable to the justice of the case. Effect of conviction if no appeal.

74. If upon any Appeal the Court trying the Appeal orders either party to pay costs, the order shall direct the costs to be paid to the Clerk of the Peace or other proper officer of the Court, to be by him paid over to the party entitled to the same, and shall state within what time the costs shall be paid. To whom costs to be payable.

75. If the same be not paid within the time so limited, and the party ordered to pay the same has not been bound by any recognizance conditioned to pay such costs, the Clerk of the Peace or his Deputy, on application of the party entitled to the costs, or of any person on his behalf and on payment of any fee to which he may be entitled, shall grant to the party so applying, a Certificate [R] that the costs have not been paid, and upon production of the Certificate to any Justice or Justices of the Peace for the same Territorial Division, he or they may enforce the payment of the costs by Warrant of Distress [S 1] in manner aforesaid, and in default of distress he or they may commit [S 2] the party against whom the warrant has issued in manner hereinbefore mentioned, for any time not exceeding two months, unless the amount of the the costs and all costs and charges of the distress and also the costs of the commitment and conveying of the party to prison, if the Justice or Justices think fit so to order (the amount thereof being ascertained and stated in the commitment), be sooner paid. Enforcement of payment. By distress or imprisonment.

76. Every Justice of the Peace, shall make a return in writing under his hand of all convictions made by him to the next ensuing General or Quarter Sessions of the Peace, or to the next term or sitting of any Court having jurisdiction in appeal as hereinbefore provided, at which, in either case, the appeal can be heard, for the District or County or place in which such conviction takes place, and of the receipt and application by him of the moneys received from the Defendants (and in the case of any convictions before two or more Justices, such Justices, being present and joining therein, shall make a joint Return thereof,) in the following form :— Justices to make returns to the Quarter Sessions of all convictions and fines, &c.

RETURN

Return of Convictions made by me (*or us, as the case may be*) in the month of 18 .

Name of the Prosecutor.	Name of the Defendant.	Nature of the charge.	Date of Conviction.	Name of Convicting Justice.	Amount of penalty, fine or damage.	Time when paid or to be paid to said Justice.	To whom paid over by said Justice.	If not paid, why not, and general observations, if any.

A. B., Convicting Justice,
or
A. B. and C. D., Convicting Justices, (*as the case may be.*)

Return of subsequent receipts, &c.

77. And any Justice or Justices to whom any such moneys may be afterwards paid, shall make a Return of the receipts and application thereof, to the next General or Quarter Sessions of the Peace, or other Court as aforesaid, which return shall be filed by the Clerk of the Peace, with the records of his office.

Penalty on Justices of the Peace neglecting to comply with the provisions of this Act as to returns, &c.

78. In case the Justice or Justices, before whom any such conviction takes place or who receives any such moneys, neglect or refuse to make such return thereof, or in case any such Justice or Justices wilfully make a false, partial or incorrect return, or wilfully receive a larger amount of fees than by law they are authorized to receive, such Justice or Justices, so neglecting, or refusing, or wilfully making such false, partial or incorrect return, or wilfully receiving a larger amount of fees as aforesaid, shall forfeit and pay the sum of eighty dollars, together with full costs of suit, to be recovered by any person suing for the same by action of debt or information in any Court of Record in the Province in which such Return ought to have been or is made, one moiety whereof shall be paid to the party suing, and the other moiety into the hands of Her Majesty's Receiver General to and for the public uses of the Dominion.

Actions for such penalties limited to six months after cause.

79. All prosecutions for penalties arising under the provisions of the next preceding section shall be commenced within six months next after the cause of action accrues, and the same shall be

be tried in the District, County or place wherein such penalties have been incurred, and if a verdict or judgment passes for the defendant, or the plaintiff becomes non-suit, or discontinues the action after issue joined, or if upon demurrer, or otherwise, judgment be given against the plaintiff, the defendant shall recover his full costs of suit, as between Attorney and Client, and shall have the like remedy for the same, as any defendant hath by law in other cases.

80. The Clerk of the Peace of the District or County in which any such returns are made or the proper officer, other than the Clerk of the Peace to whom such returns are made shall, within seven days after the adjournment of the next ensuing General or Quarter Sessions, or of the term or sitting of such other Court as aforesaid, cause the said returns to be published in one public newspaper, in the District or County, or if there be no such newspaper, then in a newspaper of an adjoining District or County, and shall also fix up in the Court House of the District or County and also in a conspicuous place in the Office of such Clerk of the Peace, for public inspection, a Schedule of the returns so made by such Justices; and the same shall continue to be so fixed up, and exhibited until the end of the next ensuing General or Quarter Sessions of the Peace or of the term or sitting of such other Court as aforesaid, and for every Schedule so made and exhibited by the said Clerk of the Peace, he shall be allowed the expense of publication, and such fee as may be fixed by competent authority.

Clerk of the Peace, &c., to publish and post up the returns so made.

81. The Clerk of the Peace or other officer as last aforesaid of each District or County, within twenty days after the end of each General or Quarter Sessions of the Peace, or the sitting of such Court as aforesaid, shall transmit to the Minister of Finance a true copy of all such returns made within his District or County.

Copy of returns to be sent to Minister of Finance.

82. Nothing in the six next preceding sections shall have the effect of preventing any person aggrieved, from prosecuting by indictment, a Justice of the Peace, for any offence, the commission of which would subject him to indictment at the time of the coming into force of this Act.

Not to prevent prosecution of a Justice in default.

83. In all cases where a Warrant of Distress has issued against any person, and such person pays or tenders to the Constable having the execution of the same, the sum or sums in the warrant mentioned, together with the amount of the expenses of the distress up to the time of payment or tender, the Constable shall cease to execute the same.

In case of tender or payment of the amount of distress.

84. In all cases in which any person is imprisoned for non-payment of any penalty or other sum, he may pay or cause to be paid to the keeper of the prison in which he is imprisoned, the sum in the Warrant of Commitment mentioned, together with the amount of the costs, charges and expenses (if any) therein also mentioned

Payment may be made to the keeper of the prison.

mentioned, and the keeper shall receive the same, and shall thereupon discharge the person, if he be in his custody for no other matter.

In what cases one Justice may act.

85. In all cases of summary proceedings before a Justice or Justices of the Peace out of Sessions, upon any information or complaint, one Justice may receive the information or complaint, and grant a summons or warrant thereon, and issue his summons or warrant to compel the attendance of any witnesses for either party, and do all other acts and matters necessary, preliminary to the hearing, even in cases where by the statute in that behalf the information or complaint must be heard and determined by two or more Justices.

After hearing, &c.

86. After a case has been heard and determined, one Justice may issue all warrants of distress or commitment thereon.

Proceedings after judgment.

87. It shall not be necessary that the Justice who acts before or after the hearing, be the Justice or one of the Justices by whom the case is or was heard and determined.

In case two Justices are required.

88. In all cases where by any Act or Law it is required that an information or complaint shall be heard and determined by two or more Justices, or that a conviction or order shall be made by two or more Justices, such Justices must be present and acting together during the whole of the hearing and determination of the case.

Amount to be paid to party aggrieved imited.

89. When several persons join in the commission of the same offence and upon conviction thereof, each is adjudged to forfeit a sum equivalent to the value of the property, or to the amount of the injury done, no further sum shall be paid to the party aggrieved than the amount forfeited by one of such offenders only, and the corresponding sum, forfeited by the other offender, shall be applied in the same manner as other penalties imposed by a Justice or Justices of the Peace are directed to be applied.

Party aggrieved and certain others may be witnesses.

90. The evidence of the party aggrieved and also the evidence of any inhabitant of the District, County or place in which any offence has been committed, shall be admitted in proof of the offence notwithstanding that any forfeiture or penalty incurred by the offence, may be payable to any public fund of such District, County or place.

Certain magistrates to have the powers of two Justices.

91. Any one Judge of Sessions of the Peace, Recorder, Police Magistrate, District Magistrate, or Stipendiary Magistrate, appointed for any District, County, City, Borough, Town, or Place and sitting at a Police Court or other place appointed in that behalf, shall have full power to do alone whatever is authorized by this Act to be done by two or more Justices of the Peace; and the several forms hereinafter contained may be varied so far as it may be necessary to render them applicable to Police Courts, or

to

to the Court or other place of sitting of such functionary as aforesaid.

92. Any Judge of Sessions of the Peace, Police Magistrate, District Magistrate or Stipendiary Magistrate, sitting at any Police Court or other place appointed in that behalf, shall have such and like powers and authority to preserve order in the said Courts during the holding thereof, and by the like ways and means as now by law are or may be exercised and used in like cases and for the like purposes by any Courts of Law in Canada, or by the Judges thereof respectively, during the sittings thereof. Power to preserve order, &c.

93. Any Judge of the Sessions of the Peace, Police Magistrate, District Magistrate, or Stipendiary Magistrate, in all cases where any resistance is offered to the execution of any Summons, Warrant of Execution or other Process issued by him, may enforce the due execution of the same by the means provided by the law for enforcing the execution of the Process of other Courts in like cases. Power to punish resistance to process, &c.

94. The expression "Territorial Division" whenever used in this Act, shall mean—District, County, Union of Counties, Township, City, Town, Parish or other judicial division or place to which the context may apply; and the words "District or County" shall include any territorial or judicial division or place, in and for which there is such Judge, Justice, Justice's Court, officer or prison, as is mentioned in the context and to which the context may apply. Interpretation of certain words.

95. The words "Common Gaol" or "Prison," whenever they occur in this Act, shall be held to mean any place other than a Penitentiary where parties charged with offences against the law are usually kept and detained in custody. The same.

96. The several forms in the Schedule to this Act contained, varied to suit the case, or forms to the like effect, shall be deemed good, valid and sufficient in law. Forms.

97. This Act shall commence and take effect on the first day of January, in the year of our Lord, one thousand eight hundred and seventy. Commencement of Act.

SCHEDULE.

SCHEDULE.

(A) *See* s. 1.

SUMMONS TO THE DEFENDANT UPON AN INFORMATION OR COMPLAINT.

Canada,
Province of ,
District (*or* County,
United Counties, *or*
as the case may be,
of

To A. B., of (*laborer*):

Whereas information hath this day been laid (*or* complaint hath this day been made) before the undersigned, (one) of Her Majesty's Justices of the Peace in and for the said District (*or* County, United Counties, City, Town, &c., *as the case may be*) of , for that you (*here state shortly the matter of the information or complaint*): These are therefore to command you, in Her Majesty's name, to be and appear on , at o'clock in the forenoon, at , before me, or such Justice or Justices of the Peace for the said District (*or* County, United Counties, *or as the case may be,*) as may then be there, to answer to the said information (*or* complaint), and to be further dealt with according to law.

Given under (*my*) hand and seal, this day of , in the year of our Lord , at , in the District (*or* County, *or as the case may be*) aforesaid.

J. S. [L. S.]

(B). *See* s. 6.

WARRANT WHEN THE SUMMONS IS DISOBEYED.

Canada,
Province of ,
District (*or* County,
United Counties, *or*
as the case may be,
of ,

To all or any of the Constables or other Peace Officers in the District (*or* County, United Counties, *or as the case may be*) of

Whereas on last past, information was laid (*or* complaint was made) before , (one) of Her Majesty's Justices of the Peace in and for the said District (*or* County, United Counties, *or as the case may be,*) of , for that A. B. (&c., *as in the Summons*): And whereas (I) the said Justice of the Peace then issued (my) Summons unto the said A. B., commanding him, in Her Majesty's name, to be and appear on , at o'clock

o'clock in the (*fore*) noon, at , before (me) or such Justice or Justices of the Peace as might then be there, to answer unto the said information (*or* complaint), and to be further dealt with according to law; And whereas the said A. B. hath neglected to be and appear at the time and place so appointed in and by the said Summons, although it hath now been proved to me upon oath that the said Summons hath been duly served upon the said A. B.: These are therefore to command you, in Her Majesty's name, forthwith to apprehend the said A. B. and to bring him before (me) or some one or more of Her Majesty's Justices of the Peace in and for the said District (*or* County, United Counties, *or as the case may be*,) to answer to the said information (*or* complaint); and to be further dealt with according to law.

Given under my hand and seal, this day of , in the year of our Lord at , in the District (*or* County, United Counties, *or as the case may be*) aforesaid.

J. S. [L. S.]

(C) *See* s. 6.

WARRANT IN THE FIRST INSTANCE.

Canada,
Province of ,
District (*or* County,
United Counties *or*
as the case may be,
of ,

To all or any of the Constables or other Peace Officers in the said District (*or* County, United Counties, *or as the case may be*,) of

Whereas information hath this day been laid before the undersigned, (one) of Her Majesty's Justices of the Peace in and for the said District (*or* County, United Counties, *or as the case may be*,) of for that A. B. (*here state shortly the matter of information*); and oath being now made before me substantiating the matter of such information: These are therefore to command you, in Her Majesty's name, forthwith to apprehend the said A. B. and to bring him before (me) or some one or more of Her Majesty's Justices of the Peace in and for the said District (*or* County, United Counties, *or as the case may be*,) to answer to the said information, and to be further dealt with according to law.

Given under my Hand and Seal, this day of in the year of our Lord , at , in the District (County, &c., *as the case may be*) aforesaid.

J. S. [L. S.]

(D) *See* ss. 12, 22, 34, 46.

WARRANT OF COMMITTAL FOR SAFE CUSTODY DURING AN ADJOURNMENT OF THE HEARING.

Canada,
Province of ,
District (*or* County,
United Counties, *or*
as the case may be)
of ,

To all or any of the Constables or Peace Officers in the District (*or* County, United Counties, *or as the case may be*) of , and to the Keeper of the Common Gaol (*or* Lock-up House) at :

Whereas on last past, information was laid (*or* complaint made) before , (one) of Her Majesty's Justices of the Peace in and for the said District (*or* County, United Counties, *or as the case may be*) of , for that (*&c., as in the Summons*); And whereas the hearing of the same is adjourned to the of (*instant,*) at o'clock in the (*fore*) noon, at , and it is necessary that the said A. B. should in the meantime be kept in safe custody: These are therefore to command you, or any one of the said Constables or Peace Officers, in Her Majesty's name, forthwith to convey the said A.B. to the Common Gaol (*or* Lock-up House,) at , and there deliver him into the custody of the Keeper thereof, together with this Precept; And I hereby require you, the said Keeper, to receive the said A. B. into your custody in the said Common Gaol (*or* Lock-up House) and there safely keep him until the day of , (*instant*) when you are hereby required to convey and have him, the said A. B., at the time and place to which the said hearing is so adjourned as aforesaid, before such Justices of the Peace for the said District (*or* County, United Counties, *as the case may be*) as may then be there, to answer further to the said information (*or* complaint), and to be further dealt with according to law.

Given under my hand and seal, this day of in the year of our Lord , at , in the District (*or* County, &c., *as the as may be*) aforesaid.

J. S. [L. S.]

(E)

(E) *See* ss. 12, 22, 34, 46.

RECOGNIZANCE FOR THE APPEARANCE OF THE DEFENDANT WHEN THE CASE IS ADJOURNED, OR NOT AT ONCE PROCEEDED WITH.

Canada,
Province of
District (*or* County, United Counties, *or as the case may be*) of .

Be it remembered, That on , A. B. of (*laborer,*) and L. M. of , (*grocer,*) and O. P. of (*yeoman,*) personally came and appeared before the undersigned, (*one*) of Her Majesty's Justices of the Peace in and for the said District (*or* County, United Counties, *or as the case may be*) of , and severally acknowledged themselves to owe to our Sovereign Lady the Queen the several sums following, that is to say: the said A. B. the sum of and the said L. M. and O. P. the sum of , each, of good and lawful current money of Canada, to be made and levied of their several goods and chattels, lands and tenements respectively, to the use of our said Lady the Queen, Her Heirs and Successors, if he the said A. B. shall fail in the condition endorsed (*or* hereunder written).

Taken and acknowledged the day and year first above mentioned at before me.

J. S. [L. S.]

The condition of the within (*or* the above) written recognizance is such that if the said A. B. shall personally appear on the day of , (*instant,*) at o'clock in the (*fore*) noon, at , before me or such Justices of the Peace for the said District (*or* County, United Counties, *or as the case may be*) as may then be there, to answer further to the information (*or* complaint) of C. D. exhibited against the said A. B. and to be further dealt with according to law, then the said recognizance to be void, or else to stand in full force and virtue.

NOTICE OF SUCH RECOGNIZANCE TO BE GIVEN TO THE DEFENDANT AND HIS SURETIES.

Take notice that you, A. B., are bound in the sum of and you L. M. and O. P., in the sum of , each, that you, A. B., appear personally on at o'clock in the (*fore*) noon at , before me or such Justices of the Peace for the District (*or* County, United Counties, *or as the case may be*) of as shall then be there, to answer further to a certain information (*or* complaint) of C. D. the further hearing of which was adjourned to the said time and place, and unless you appear

appear accordingly, the recognizance entered into by you, A. B., and by L. M. and O. P. as your sureties, will forthwith be levied on you and them.

Dated this day of , one thousand eight hundred and .

J. S. [L. S.]

(F) *See* ss. 13, 23, 35, 49, 61.

CERTIFICATE OF NON-APPEARANCE TO BE ENDORSED ON THE DEFENDANT'S RECOGNIZANCE.

I hereby certify, that the said A. B. hath not appeared at the time and place in the said condition mentioned, but therein hath made default, by reason whereof the within written recognizance is forfeited.

J. S. [L. S.]

(G 1) *See* s. 16.)

SUMMONS TO A WITNESS.

Canada,
Province of ,
District (*or* County,
United Counties, *or*
as the case may be,
of ,

To E. F. of , in the said District (*or* County, United Counties, *or as the case may be*) of

Whereas information was laid (*or* complaint was made) before (*one*) of Her Majesty's Justices of the Peace in and for the said District (*or* County, United Counties, *or as the case may be*) of , for that (&c., *as in the Summons*,) and it hath been made to appear to me upon (*oath*) that you are likely to give material evidence on behalf of the Prosecutor (*or* Complainant *or* Defendant) in this behalf; These are therefore to require you to be and appear on , at o'clock in the (*fore*) noon, at before me or such Justice or Justices of the Peace for the said District (*or* County, United Counties, *or as the case may be*) as may then be there, to testify what you shall know concerning the matter of the said information (*or* complaint).

Given under my hand and seal, this day of in the year of our Lord , at in the District (*or* County, *or as the case may be*) aforesaid.

J. S. [L. S.]

(G 2)

(G 2) *See* s. 17.

WARRANT WHERE A WITNESS HAS NOT OBEYED A SUMMONS.

Canada,
Province of ,
District (*or* County,
United Counties, *or*
as the case may be,
of ,

To all or any of the Constables and other Peace officers in the said District (*or* County, United Counties, *or as the case may be*) of

Whereas information was laid (*or* complaint was made) before (*one*) of Her Majesty's Justices of the Peace, in and for the said District (*or* County, United Counties, *or as the case may be*) of for that (&c., *as in the Summons*,) and it having been made to appear to (*me*) upon oath, that E. F., of in the said District (*or* County, United Counties, *or as the case may be*, (*laborer*) was likely to give material evidence on behalf of the (prosecutor *or as the case may be*) (I) did duly issue (*my*) Summons to the said E. F., requiring him to be and appear on , at o'clock in the (*fore*) noon of the same day, at , before me or such Justice or Justices of the Peace for the said District (*or* County, United Counties, *or as the case may be*) as might then be there, to testify what he should know concerning the said A. B., or the matter of the said information (*or* complaint): And whereas proof hath this day been made before me, upon oath, of such Summons having been duly served upon the said E. F.; And whereas the said E. F. hath neglected to appear at the time and place appointed by the said Summons, and no just excuse has been offered for such neglect; These are therefore to command you to take the said E. F., and to bring and have him on , at o'clock in the noon, at before me or such Justice or Justices of the Peace for the District (*or* County, United Counties, *or as the case may be*) as may then be there to testify what he shall know concerning the said information (*or* complaint).

Given under my hand and seal, this day of in the year of our Lord , at in the District (*or* County, *or as the case may be*) aforesaid.

J. S. [L. S.]

(G 3) *See* s. 18.

WARRANT FOR A WITNESS IN THE FIRST INSTANCE.

Canada,
Province of ,
District (*or* County,
United Counties, *or*
as the case may be,)
of ,

To all or any of the Constables, or other Peace Officers in the said District

District (*or* County, United Counties, *or as the case may be*) of

Whereas information was laid (*or* complaint was made) before the undersigned (*one*) of Her Majesty's Justices of the Peace in and for the said District (*or* County, United Counties, *or as the case may be*) of , for that (&c., *as in the Summons*,) and it being made to appear before me upon oath, that E. F., of (*laborer*,) is likely to give material evidence on behalf of the (prosecutor, *or as the case may be*) in this matter, and it is probable that the said E. F., will not attend to give evidence without being compelled so to do: These are therefore to command you to bring and have the said E. F., on , at o'clock in the (*fore*) noon, at , before me or such other Justice or Justices of the Peace, for the District (*or* County, United Counties, *or as the case may be*) as may then be there, to testify what he shall know concerning the matter of the said information (*or* complaint).

Given under (*my*) hand and seal, this day of , in the year of Our Lord , at , in the District (*or* County, *or as the case may be*,) aforesaid.

J. S. [L. S.]

(G 4) *See* s. 19.

COMMITMENT OF A WITNESS FOR REFUSING TO BE SWORN OR GIVE EVIDENCE.

Canada,
Province of ,
District, (*or* County, United Counties, *or as the case may be*,)
of ,

To all or any of the Constables or other Peace Officers in the said District (*or* County, United Counties, *or as the case may be*) of and to the Keeper of the Common Gaol of the said district (*or* County, United Counties, *or as the case may be*) at

Whereas information was laid (*or* complaint was made) before (*me*) (*one*) of Her Majesty's Justices of the Peace, in and for the said District (*or* County, United Counties, *or as the case may be*) of for that (*&c., as in the Summons*,) and one E. F., now appearing before me such Justice as aforesaid, on , at , and being required by me to make oath (*or* affirmation) as a witness in that behalf, hath now refused so to do, (*or* being now here duly sworn as a witness in the matter of the said information *or* complaint) doth refuse to answer a certain question concerning the premises which is now here put to him, and more particularly the following question (*here insert the exact words of the question*,) without offering any just excuse for such his refusal: These are therefore to command you, or any one of the said Constables or Peace

Peace officers to take the said E. F., and him safely to convey to the Common Gaol at aforesaid, and there deliver him to the said Keeper thereof, together with this precept; and I do hereby command you the said Keeper of the said Common Gaol, to receive the said E. F., into your custody in the said Common Gaol and there imprison him for such his contempt for the space of days, unless he shall in the meantime consent to be examined and to answer concerning the premises, and for so doing, this shall be your sufficient warrant.

Given under my hand and seal, this day of in the year of our Lord. , at , in the District (*or* County, *or as the case may be*) aforesaid.

J. S. [L. S.]

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(H) *See* s. 33.

WARRANT TO REMAND A DEFENDANT WHEN APPREHENDED.

Canada,
Province of ,
District (*or* County, United Counties, *or as the case may be*,) of ,

To all or any of the Constables, or other Peace officers in the said District (*or* County, United Counties, *or as the case may be*) of , and to the Keeper of the Common Gaol (*or* Lock-up House) at

Whereas information was laid (*or* complaint was made) before (*one*) of Her Majesty's Justices of the Peace in and for the District (*or* County, United Counties, *or as the case may be*) of , for that (*&c., as in the summons or warrant*); And whereas the said A. B. hath been apprehended under and by virtue of a warrant, upon such information (*or* complaint) and is now brought before me as such Justice as aforesaid: These are therefore to command you, or any one of the said Constables, or Peace officers, in Her Majesty's name, forthwith to convey the said A. B. to the Common Gaol (*or* Lock-up House) at , and there to deliver him to the said Keeper thereof, together with this Precept; And I do hereby command you the said Keeper to receive the said A. B. into your custody in the said Common Gaol (*or* Lock-up House,) and there safely keep him until next, the day of (*instant*), when you are hereby commanded to convey and have him at , at o'clock in the noon of the same day, before me, or such Justice or Justices of the Peace of the said District (*or* County, United Counties, *or as the case may be*) as may then be there, to answer to the said information (*or* complaint,) and to be further dealt with according to law.

Given

Given under my hand and seal, this day of , in the year of our Lord. , at , in the district (*or* County, *as the case may be*) aforesaid.

J. S. [L. S.]

(I 1) *See* ss. 42, 50.

CONVICTION FOR A PENALTY TO BE LEVIED BY DISTRESS, AND IN DEFAULT OF SUFFICIENT DISTRESS, BY IMPRISONMENT.

Canada,
Province of
District (*or* County, United Counties, *or as the case may be*,) of .

Be it remembered, That on the day of , in the year of our Lord, , at , in the said District (*or* County, United Counties, *or as the case may be*), A. B. is convicted before the undersigned, (*one*) of Her Majesty's Justices of the Peace for the said District (*or* County, United Counties, *or as the case may be*,) for that the said A. B., (*&c., stating the offence, and the time and place when and where committed,*) and I adjudge the said A. B. for his said offence to forfeit and pay the sum of (*stating the penalty, and also the compensation, if any,*) to be paid and applied according to law, and also to pay to the said C. D. the sum of , for his costs in this behalf; and if the said several sums be not paid forthwith *or* on or before the of next,) * I order that the same be levied by distress and sale of the goods and chattels of the said A. B., and in default of sufficient distress, * I adjudge the said A. B., to be imprisoned in the Common Gaol of the said District (*or* County, United Counties, *or as the case may be,*) at in the said District (*or* County) of (there to be kept at hard labour if such be the sentence) for the space of unless the said several sums and all costs and charges of the said distress (and of the commitment and conveying of the said A. B. to the said Gaol) be sooner paid.

Given under (my) hand and seal, the day and year first above mentioned, at in the District (or County, United Counties, *or as the case may be*) aforesaid.

J. S. [L. S.]

* *Or when the issuing of a Distress Warrant would be ruinous to the Defendant or his family, or it appears he has no goods whereon to levy a distress, then instead of the words between the asterisks * * say,* "inasmuch as it hath now been made to appear to me that the issuing of a Warrant of Distress in this behalf would be ruinous to the said A. B. or his family," (*or,* "that the said A. B. hath no goods

goods or chattels whereon to levy the said sums by distress.") I adjudge, &c., (*as above, to the end.*)

(I 2) *See* ss. 42, 50.

CONVICTION FOR A PENALTY, AND IN DEFAULT OF PAYMENT, IMPRISONMENT.

Canada,
Province of
District (*or* County,
United Counties, *or*
as the case may be,)
of .

Be it remembered, That on the day of , in the year of our Lord, , at , in the said District (*or* County, United Counties, *or as the case may be,*) A. B., is convicted before the undersigned, (*one*) of Her Majesty's Justices of the Peace for the said District (*or* County, United Counties, *or as the case may be,*) for that he the said A. B., (*&c., stating the offence, and the time and place when and where it was committed,*) and I adjudge the said A. B. for his said offence to forfeit and pay the sum of (*stating the penalty and the compensation, if any,*) to be paid and applied according to law; and also to pay to the said C. D. the sum of for his costs in this behalf; and if the said several sums be not paid forthwith (*or,* on or before next,) I adjudge the said A. B. to be imprisoned in the Common Gaol of the said District (*or* County, United Counties, *or as the case may be,*) at in the said District (*or* County) of (*and there to be kept at hard labour*) for the space of , unless the said sums and the costs and charges of conveying the said A. B. to the said Common Gaol, shall be sooner paid.

Given under my hand and seal, the day and year first above mentioned, at in the District (*or* County, United Counties, *or as the case may be,*) aforesaid.

J. S. [L. S.]

(I 3) *See* ss. 42, 50.

CONVICTION WHEN THE PUNISHMENT IS BY IMPRISONMENT, &C.

Canada,
Province of ,
District (*or* County,
United Counties, *or*
as the case may be,)
of

Be it remembered, That on the day of , in the

the year of our Lord , in the said District (*or* County, United Counties, *or as the case may be*,) A. B. is convicted before the undersigned (*one*) of Her Majesty's Justices of the Peace in and for the said District (*or* County, United Counties, *or as the case may be*), for that he the said A. B. (*&c., stating the offence and the time and place when and where it was committed*); and I adjudge the said A. B. for his said offence to be imprisoned in the Common Gaol of the said District (*or* County, United Counties, *or as the case may be*,) at in the County of (and there to be kept at hard labour) for the space of ; and I also adjudge the said A. B. to pay to the said C. D. the sum of for his costs in this behalf, and if the said sum for costs be not paid forthwith, (*or* on or before next,) then * I order that the said sum be levied by distress and sale of the goods and chattels of the said A. B.; and in default of sufficient distress in that behalf, * I adjudge the said A. B. to be imprisoned in the said Common Gaol, (and kept there at hard labour) for the space of , to commence at and from the term of his imprisonment aforesaid, unless the said sum for costs shall be sooner paid.

Given under my hand and seal, the day and year first above mentioned at in the District (*or* County, United Counties, *or as the case may be*) aforesaid.

J. S. [L. S.]

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* *Or, when the issuing of a distress warrant would be ruinous to the Defendant and his family, or it appears that he has no goods whereon to levy a distress, then, instead of the words between the asterisks* * * say, "inasmuch as it hath now been made to appear to me that the issuing of a warrant of distress in this behalf would be ruinous to the said A. B., and his family," (*or*, "that the said A. B. hath no goods or chattels whereon to levy the said sum for costs by distress)" I adjudge, &c.

(K 1) *See* ss. 42, 51.

ORDER FOR PAYMENT OF MONEY TO BE LEVIED BY DISTRESS, AND IN DEFAULT OF DISTRESS, IMPRISONMENT.

Canada,
Province of ,
District (*or* County,
United Counties, (*or as the case may be*,)
of ,

Be it remembered, That on complaint was made before the undersigned, (*one*) of Her Majesty's Justices of the Peace in and for the said District (*or* County, United Counties, *or as the case may be*) of for that (*stating the facts entitling the Complainant*

plainant to the order, with the time and place when and where they occurred,) and now at this day, to wit, on , at , the parties aforesaid appear before me the said Justice, (*or*, the said C. D. appears before me the said Justice, but the said A. B. although duly called, doth not appear by himself, his Counsel or Attorney, and it is now satisfactorily proved to me on oath that the said A. B. has been duly served with the Summons in this behalf, which required him to be and appear here on this day before me or such Justice or Justices of the Peace for the said District (*or* County, United Counties, *or as the case may be*) as should now be here, to answer the said complaint, and to be further dealt with according to law); and now having heard the matter of the said complaint, I do adjudge the said A. B. (to pay to the said C. D. the said sum of forthwith, (*or* on or before next, *or as the Act or Law may require*), and also to pay to the said C. D. the sum of for his costs in this behalf; and if the said several sums be not paid forthwith (*or* on or before next) then,* I hereby order that the same be levied by distress, and sale of the goods and chattels of the said A. B.) and in default of sufficient distress in that behalf,* I adjudge the said A. B. to be imprisoned in the Common Gaol of the said District (*or* County, United Counties, *or as the case may be*) at in the said District (*or* County) of , (and there kept to hard labour) for the space of unless the said several sums and all costs and charges of the said distress (and of the commitment and conveying of the said A. B. to the said Common Gaol) shall be sooner paid.

Given under my hand and seal, this day of in the year of our Lord , at in the District (*or* County, *or as the case may be,*) aforesaid.

J. S. [L. S.]

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* *Or, when the issuing of a distress warrant would be ruinous to the Defendant or his family, or it appears he has no goods whereon to levy a distress, then, instead of the words between the asterisks* * * *say,* "inasmuch as it hath now been made to appear to me that the issuing of a warrant of distress in this behalf would be ruinous to the said A. B. and his family," (*or,* "that the said A. B. hath no goods or chattels whereon to levy the said sums by distress."

(K 2) *See* ss. 42, 51.

ORDER FOR PAYMENT OF MONEY, AND IN DEFAULT OF PAYMENT, IMPRISONMENT.

Canada,
Province of ,
District (*or* County,
United Counties, *or*
as the case may be
of

Be it remembered, That on complaint was made before

before the undersigned, (*one*) of Her Majesty's Justices of the Peace in and for the said District (*or* County, United Counties, *or as the case may be,*) of , for that (*stating the facts entitling the complainant to the order, with the time and place when and where they occurred,*) and now on this day, to wit, on , at , the parties aforesaid appear before me the said Justice, (*or* the said C. D, appears before me the said Justice, but the said A. B. although duly called doth not appear by himself, his Counsel or Attorney, and it is now satisfactorily proved to me upon oath that the said A. B. has been duly served with the Summons in this behalf, which required him to be and appear here this day before me, or such Justice or Justices of the Peace for the said District (*or* County, United Counties, *or as the case may be,*) as should now be here, to answer to the said complaint, and to be further dealt with according to law,) and now having heard the matter of the said complaint, I do adjudge the said A. B. (to pay to the said C. D. the sum of forthwith, (*or* on or before next, *or as the Act or Law may require,*) and also to pay to the said C. D. the sum of for his costs in this behalf; and if the said several sums be not paid forthwith, (*or* on *or* before next), then I adjudge the said A. B. to be imprisoned in the Common Gaol of the said District (*or* County, United Counties, *or as the case may be,*) at , in the said District (*or* County of (there to be kept at hard labour *if the Act or Law authorize this*) for the space of , unless the said several sums (and costs and charges of commitment and conveying the said A. B. to the said Common Gaol) shall be sooner paid.

Given under (*my*) hand and seal, this day of , in the year of our Lord , at , in the District (*or* County, United Counties, *or as the case may be*) aforesaid.

J. S. [L. S.]

(K 3) *See* ss. 42, 51.

ORDER FOR ANY OTHER MATTER WHERE THE DISOBEYING OF IT IS PUNISHABLE WITH IMPRISONMENT.

Canada,
Province of
District (*or* County,
United Counties, *or as the case may be,*)
of .

Be it remembered, That on complaint was made before the undersigned, (*one*) of Her Majesty's Justices of the Peace in and for the said District (*or* County, United Counties, *or as the case may be,*) of , for that (*stating the facts entitling the Complainant to the order, with the time and place where and when*

when they occurred,) and now on this day, to wit, on , at , the parties aforesaid appear before me the said Justice, (*or* the said C. D. appears before me the said Justice, but the said A. B. although duly called doth not appear by himself, his Counsel or Attorney, and it is now satisfactorily proved to me upon oath that the said A. B. has been duly served with the Summons in this behalf, which required him to be and appear here this day before me, or such Justice or Justices of the Peace for the said District (*or* County, United Counties, *or as the case may be,*) as should now be here, to answer to the said complaint, and to be further dealt with according to law,) and now having heard the matter of the said complaint, I do therefore adjudge the said A. B. to (*here state the matter required to be done*), and if upon a copy of the Minute of this Order being served upon the said A. B. either personally or by leaving the same for him at his last or most usual place of abode, he shall neglect or refuse to obey the same, in that case I adjudge the said A. B. for such his disobedience to be imprisoned in the Common Gaol of the said District (*or* County, United Counties, *or as the case may be,*) at , in the said County of (there to be kept at hard labour *if the Statute authorize this*), for the space of unless the said order be sooner obeyed, and I do also adjudge the said A. B. to pay to the said C. D. the sum of for his costs in this behalf, and if the said sum for costs be not paid forthwith, (*or* on or before next,) I order the same to be levied by distress and sale of the goods and chattels of the said A. B., and in default of sufficient distress in that behalf, I adjudge the said A. B. to be imprisoned in the said Common Gaol (there to be kept at hard labour) for the space of to commence at and from the termination of his imprisonment aforesaid, unless the said sum for costs shall be sooner paid.

Given under (*my*) hand and seal, this day of , in the year of our Lord , at , in the District (*or* County, United Counties, *or as the case may be*) aforesaid.

J. S. [L. S.]

(L) *See* s. 43.

ORDER OF DISMISSAL OF AN INFORMATION OR COMPLAINT.

Canada,
Province of
District (*or* County, United Counties, *or as the case may be*) of .

Be it remembered, That on information was laid (*or* complaint was made) before the undersigned, (*one*) of Her Majesty's Justices

Justices of the Peace in and for the said District (*or* County, United Counties, *or as the case may be*) of , for that (*&c., as in the Summons to the Defendant,*) and now at this day, to wit, on , at , both the said parties appear before me in order that I should hear and determine the said information (*or* complaint) (*or* the said A. B. appeareth before me, but the said C. D. although duly called doth not appear,*) whereupon the matter of the said information (*or* complaint) being by me duly considered (it manifestly appears to me that the said information (*or* complaint) is not proved,) I do therefore dismiss the same, and do adjudge that the said C. D. do pay to the said A. B. the sum of for his costs incurred by him in his defence in this behalf: and if the said sum for costs be not paid forthwith, (*or* on or before ,) I order that the same be levied by distress and sale of the goods and chattels of the said C. D., and in default of sufficient distress in that behalf, I adjudge the said C. D. to be imprisoned in the Common Gaol of the said District (*or* County, United Counties, *or as the case may be*) at in the said County of (and there to be kept at hard labour) for the space of , unless the said sum for costs and all costs and charges of the said distress (and of the commitment of the said C. D. to the said Common Gaol,) shall be sooner paid.

Given under my hand and seal, this day of in the year of our Lord , at , in the District (*or* County, United Counties, *or as the case may be*) aforesaid.

J. S. [L. S.]

* *If the Informant* (or *Complainant*) *do not appear, these words may be omitted.*

(M) *See* s. 43.

CERTIFICATE OF DISMISSAL.

I hereby certify that an information (*or* complaint preferred by C. D. against A. B. for that (*or as in the summons,*) was this day considered by me, one of Her Majesty's Justices of the Peace in and for the District (*or* County, United Counties, *or as the case may be*) of , and was by (me) dismissed (*with costs.*)

Dated this day of , one thousand eight hundred and .

J. S. [L. S.]

(N 1) *See* s. 57.

WARRANT OF DISTRESS UPON A CONVICTION FOR A PENALTY.

Canada,
Province of
District (*or* County,
United Counties, *or*
as the case may be)
of

To all or any of the Constables, or other Peace Officers in the said

said District (*or* County, United Counties, *or as the case may be*) of

Whereas A. B., late of , (*labourer*) was on this day (*or* on last past) duly convicted before (*one*) of Her Majesty's Justices of the Peace, in and for the said District (*or* County, United Counties, *or as the case may be*) of for that (*stating the offence as in the conviction*) and it was thereby adjudged that the said A. B., should for such his offence forfeit and pay, (*&c., as in the conviction*), and should also pay to the said C. D. the sum of for his costs in that behalf; and it was thereby ordered that if the said several sums should not be paid (*forthwith*) the same should be levied by distress and sale of the goods and chattels of the said A. B.; and it was thereby also adjudged that the said A. B., in default of sufficient distress, should be imprisoned in the Common Gaol of the said District (*or* County, United Counties, *or as the case may be*) at in the said County of (*and there to be kept at hard labour*) for the space of unless the said several sums and all costs and charges of the said distress, and of the commitment and conveying of the said A. B., to the said Common Gaol should be sooner paid; *And whereas the said A. B., being so convicted as aforesaid, and being (*now*) required to pay the said sums of and hath not paid the same or any part thereof, but therein hath made defaults: These are therefore to command you, in Her Majesty's name, forthwith to make distress of the goods and chattels of the said A. B.; and if within days next after the making of such distress, the said sums, together with the reasonable charges of taking and keeping the distress, shall not be paid, then you do sell the said goods and chattels so by you distrained, and do pay the money arising from such sale unto me (*the convicting Justice* or *one of the convicting Justices*) that I may pay and apply the same as by law is directed, and may render the overplus, if any, on demand, to the said A. B.; and if no such distress can be found, then, that you certify the same unto me, to the end that such further proceedings may be had thereon as to law doth appertain.

Given under my hand and seal, this day of in the year of our Lord , at in the District (or County, *or as the case may be*) aforesaid.

J. S. [L. S.]

(N 2) *See* s. 57.

WARRANT OF DISTRESS UPON AN ORDER FOR THE PAYMENT OF MONEY.

Canada,
Province of
District (or County, United Counties, *or as the case may be*, of .

To all or any of the Constables, or other Peace Officers, in the said District

District (or County, United Counties, *or as the case may be*) of

Whereas on last past, a complaint was made before (*one*) of Her Majesty's Justices of the Peace in and for the said District (or County, United Counties, *or as the case may be*)for that (*&c., as in the order,*) and afterwards, to wit, on , at , the said parties appeared before (*as in the order,*) and thereupon the matter of the said complaint having been considered, the said A. B. was adjudged (to pay to the said C. D. the sum of on or before then next,) and also to pay to the said C. D. the sum of for his costs in that behalf; and it was ordered that if the said several sums should not be paid on or before the said then next, the same should be levied by distress and sale of the goods and chattels of the said A. B.; and it was adjudged that in default of sufficient distress in that behalf, the said A. B., should be imprisoned in the Common Gaol of the said District (or County, or United Counties, *or as the case may be*) at , in the said County of (and there kept at hard labour) for the space of , unless the said several sums and all costs and charges of the distress (and of the commitment and conveying of the said A. B. to the said Common Gaol) should be sooner paid;* And whereas the time in and by the said order appointed for the payment of the said several sums of and hath elapsed, but the said A. B. hath not paid the same, or any part thereof, but herein hath made default; These are therefore to command you, in Her Majesty's name, forthwith to make distress of the goods and chattels of the said A. B.; and if within the space of days after the making of such distress, the said last mentioned sums, together with the reasonable charges of taking and keeping the said distress, shall not be paid, that then you do sell the said goods and chattels so by you distrained, and do pay the money arising from such sale unto me, (*or some other of the convicting Justices, as the case may be*) that I (*or* he) may pay and apply the same as by law directed, and may render the overplus, if any, on demand to the said A. B.; and if no such distress can be found, then that you certify the same unto me, to the end that such proceedings may be had therein, as to law doth appertain.

Given under my hand and seal, this day of in the year of our Lord , at , in the District (or County, *or as the case may be*) aforesaid.

J. S. [L. S.]

(N 8)

(N 3) *See* s. 58.)

ENDORSEMENT IN BACKING A WARRANT OF DISTRESS.

Canada,
Province of
District (*or* County,
United Counties, *or*
as the case may be)
of .

Whereas proof upon oath hath this day been made before me, one of Her Majesty's Justices of the Peace in and for the said District (*or* County, United Counties, *or as the case may be*) that the name of J. S. to the within Warrant subscribed, is of the handwriting of the Justice of the Peace within mentioned, I do therefore authorize U. T. who bringeth me this warrant, and all other persons to whom this Warrant was originally directed, or by whom the same may be lawfully executed, and also all Constables and other Peace Officers in the said District (*or* County, United Counties, *or as the case may be*,) of to execute the same within the said District (*or* County, United Counties, *or as the case may be*)

Given under my hand, this day of , one thousand eight hundred and O. K.

(N 4) *See* s. 62.

CONSTABLE'S RETURN TO A WARRANT OF DISTRESS.

I, W. T., Constable of , in the District (*or* County, United Counties, *or as the case may be*) of , hereby certify to J. S., Esquire, one of Her Majesty's Justices of the Peace for the District (*or* County, United Counties, *or as the case may be*) that by virtue of this warrant, I have made diligent search for the goods and chattels of the within mentioned A. B., and that I can find no sufficient goods or chattels of the said A. B. whereon to levy the sums within mentioned.

Witness my hand, this day of , one thousand eight hundred and

J. S. [L. S.]

(N 5) *See* s. 62.

WARRANT OF COMMITMENT FOR WANT OF DISTRESS.

Canada,
Province of
District (*or* County,
United Counties, *or*
as the case may be,)
of

To all or any of the Constables and other Peace Officers in the District, (*or* County, United Counties, *or as the case may be*,) of ,

and

and to the Keeper of the Common Gaol of the said District (*or* County, United Counties, *or as the case may be,*) of , at , in the said District (*or* County) of :

Whereas (*&c., as in either of the foregoing distress warrants, N. 1, 2, to the asterisks,* * *and then thus*): And whereas afterwards on the day of , in the year aforesaid, I, the said Justice, issued a warrant to all or any of the Constables or other Peace Officers of the District (*or* County, United Counties, *or as the case may be,*) of commanding them, or any of them, to levy the said sums of and by distress and sale of the goods and chattels of the said A. B.; And whereas it appears to me, as well by the return to the said warrant of distress, by the Constable who had the execution of the same, as otherwise, that the said Constable hath made diligent search for the goods and chattels of the said A. B., but that no sufficient distress whereon to levy the sums above mentioned could be found: These are therefore to command you, the said Constables or Peace Officers, or any one of you, to take the said A. B., and him safely to convey to the Common Gaol at aforesaid, and there deliver him to the said Keeper, together with this Precept; and I do hereby command you, the said Keeper of the said Common Gaol, to receive the said A. B. into your custody, in the said Common Gaol, there to imprison him (and keep him at hard labour) for the space of , unless the said several sums, and all the costs and charges of the said distress, (and of the commitment and conveying of the said A. B. to the said Common Gaol) amounting to the further sum of , shall be sooner paid unto you, the said Keeper; and for so doing, this shall be your sufficient warrant.

Given under my hand and seal, this day of , in the year of our Lord , at in the District (*or* County, *or as the case may be*) aforesaid.

J. S. [L. S.]

(O 1) *See s.* 59.

WARRANT OF COMMITMENT UPON A CONVICTION FOR A PENALTY IN THE FIRST INSTANCE.

Canada,
Province of ,
District (*or* County, United Counties, *or as the case may be,*) of ,

To all or any of the Constables and other Peace Officers in the said District (*or* County, United Counties, *or as the case may be,*) of , and to the Keeper of the Common Gaol of the

the said District (*or* County, United Counties, *or as the case may be,*) of , at in the said District (*or* County of :

Whereas A. B. late of (*labourer,*) was on this day convicted before the undersigned, (*one*) of Her Majesty's Justices of the Peace, in and for the said District (*or* County, United Counties, *or as the case may be*) for that (*stating the offence as in the conviction,*) and it was thereby adjudged that the said A. B., for his offence should forfeit and pay the sum of (*&c., as in the conviction,*) and should pay to the said C. D. the sum of for his costs in that behalf; and it was thereby further adjudged that if the said several sums should not be paid (*forthwith*) the said A. B. should be imprisoned in the Common Gaol of the said District (*or* County, United Counties, *or as the case may be*) at in the said District (*or* County) of and there kept at hard labour) for the space of , unless the said several sums and the costs and charges of conveying the said A. B. to the said Common Gaol) should be sooner paid; And whereas the time in and by the said conviction appointed for the payment of the said several sums hath elapsed, but the said A. B. hath not paid the same or any part thereof, but therein hath made default; These are therefore to command you, the said Constables or Peace Officers, or any one of you, to take the said A. B., and him safely to convey to the Common Gaol at aforesaid, and there to deliver him to the said Keeper thereof, together with this Precept; and I do hereby command you, the said Keeper of the said Common Goal, to receive the said A. B. into your custody in the said Common Gaol, there to imprison him (and keep him at hard labour) for the space of , unless the said several sums (and costs and charges of carrying him to the said Common Gaol, amounting to the further sum of), shall be sooner paid unto you, the said Keeper; and for your so doing, this shall be your sufficient warrant.

Given under (*my*) hand and seal, this day of in the year of our Lord , at , in the District (*or* County, *or as the case may be*) aforesaid.

J. S. [L. S.]

(O 2) *See s.* 59.

WARRANT OF COMMITMENT ON AN ORDER IN THE FIRST INSTANCE.

Canada,
Province of
District (*or* County,
United Counties, *or as the case may be*)
of .

To all or any of the Constables and other Peace Officers in the said District, (*or* County, United Counties, *or as the case may be*)

be) of , and to the Keeper of the Common Gaol of the District (*or* County, United Counties, *or as the case may be*) of at in the said District (*or* County) of

Whereas on last past, complaint was made before the undersigned, (*one*) of Her Majesty's Justices of the Peace in and for the said District (*or* County, United Counties, *or as the case may be*) of or that (*&c., as in the order*), and afterwards, to wit, on the day of , at the parties appeared before me, the said Justice (*or as it may be in the order*), and thereupon having considered the matter of the complaint, I adjudged the said A. B. to pay the said C. D. the sum of , on or before the day of then next, and also to pay to the said C. D. the sum of for his costs in that behalf; and I also thereby adjudged that if the said several sums should not be paid on or before the day of then next, the said A. B. should be imprisoned in the Common Gaol of the District (*or* County, United Counties, *or as the case may be*) of at in the said County of (and there be kept at hard labour) for the space of unless the said several sums (and the costs and charges of conveying, the said A. B. to the said Common Gaol, *as the case may be*) should be sooner paid; And whereas the time in and by the said order appointed for the payment of the said several sums of money hath elapsed, but the said A. B. hath not paid the same or any part thereof, but therein hath made default; These are therefore to command you, the said Constables and Peace Officers, or any of you, to take the said A. B. and him safely to convey to the said Common Gaol, at aforesaid, and there to deliver him to the Keeper thereof, together with this Precept; and I do hereby command you, the said Keeper of the said Common Gaol, to receive the said A. B. into your custody in the said Common Gaol, there to imprison him (*and keep him at hard labour*) for the space of , unless the said several sums (and the costs and charges of conveying him to the said Common Gaol, amounting to the further sum of), shall be sooner paid unto you the said Keeper; and for your so doing, this shall be your sufficient Warrant.

Given arunder my hand and seal, this day of in the year of our Lord at , in the District (*or* County, *or as the case may be*) aforesaid.

J. S [L. S.]

(Q 1.)

(Q 1)—*See* s. 64.

WARRANT OF DISTRESS FOR COSTS UPON AN ORDER FOR DISMISSAL OF AN INFORMATION OR COMPLAINT.

Canada,
Province of ,
District (*or* County,
United Counties, *or*
as the case may be)
of .

To all or any of the Constables or other Peace Officers, in the said District (*or* County, United Counties, *or as the case may be*,) of

Whereas on last past, information was laid (*or* complaint was made) before (*one*) of Her Majesty's Justices of the Peace in and for the said District (*or* County, United Counties, *or as the case may be*) of for that (*&c., as in the order of dismissal*,) and afterwards, to wit, on at , both parties appearing before in order that (*I*) should hear and determine the same, and the several proofs adduced to (*me*) in that behalf being by (*me*) duly heard and considered, and it manifestly appearing to (*me*) that the said information (*or* complaint) was not proved, (*I*) therefore dismissed the same and adjudged that the said C. D. should pay to the said A. B. the sum of for his costs incurred be him in his defence in that behalf; and (*I*) ordered that if the said sum for costs should not be paid (*forthwith*) the same should be levied on the goods and chattels of the said C. D., and (*I*) adjudged that in default of sufficient distress in that behalf the said C. D. should be imprisoned in the Common Gaol of the said District (*or* County, United Counties, *or as the case may be*) of at in the said District *or* County of (and there kept at hard labour) for the space of , unless the said sum for costs, and all costs and charges of the said distress, and of the commitment and conveying of the said A. B. to the said Common Gaol should be sooner paid; * And whereas the said C. D. being now required to pay to the said A. B. the said sum for costs, hath not paid the same, or any part thereof, but therein hath made default: These are therefore to command you, in Her Majesty's name, forthwith to make distress of the goods and chattels of the said C. D., and if within the space of days next after the making of such distress, the said last mentioned sum, together with the reasonable charges of taking and keeping the said distress, shall not be paid, then that you do sell the said goods and chattels so by you distrained, and do pay the money arising from such sale to me (*the Justice who made such order or dismissal as the case may be*) that (*I*) may pay and apply the same as by law directed, and may render the overplus (if any) on demand to the said C. D., and if no such distress can be found, then that you certify the same unto me, (*or* to any other Justice of the Peace for the

the same District (*or* County, United Counties, *or as the case may be*) to the end that such proceedings may be had therein as to law doth appertain.

Given under (*my*) hand and seal, this day of , in the year of our Lord , at in the District (*or* County, *or as the case may be*) aforesaid.

J. S. [L. S.]

(Q 2) *See* s. 64.

WARRANT OF COMMITMENT FOR WANT OF DISTRESS IN THE LAST CASE.

Canada,
Province of ,
District (*or* County,
United Counties, *or*
as the case may be
of

To all or any of the Constables or Peace Officers in the said District (*or* County, United Counties, *or as the case may be*) of , and to the Keeper of the Common Gaol of the said District (*or* County, United Counties, *or as the case may be*) of at in the said District (*or* County) of .

Whereas (*&c., as in the last form, to the asterisk,* * *and then thus:*) And whereas afterwards, on the day of , in the year aforesaid, I, the said Justice, issued a warrant to all or any of the Constables or other Peace Officers of the said District (*or* County, United Counties, *or as the case may be*) commanding them, or any one of them to levy the said sum of for costs, by distress and sale of the goods and chattels of the said C. D.; And whereas it appears to me, as well by the return to the said warrant of distress of the Constable (*or* Peace Officer) charged with the execution of the same, as otherwise, that the said Constable hath made diligent search for the goods and chattels of the said C. D., but that no sufficient distress whereon to levy the sum above mentioned could be found; These are therefore to command you, the said Constables and Peace Officers, or any one of you, to take the said C. D. and him safely convey to the Common Gaol of the said District (*or* County, United Counties, *or as the case may be,*) at aforesaid, and there deliver him to the Keeper thereof, together with this Precept; and I hereby command you, the said Keeper of the said Common Gaol, to receive the said C. D. into your custody in the said Common Gaol, there to imprison him (and keep him at hard labour) for the space of unless the said sum, and all the costs and charges of the said distress (and of the commitment and conveying of the said C. D. to the said Common Gaol amounting to the furthar sum of ,) shall be sooner paid up unto you

you the said Keeper; and for your so doing, this shall be your sufficient warrant.

Given under my hand and seal, this day of , in the year of our Lord , at , in the District (*or* County, *or as the case may be*) aforesaid.

J. S. [L. S.]

(R) *See* s. 75.

CERTIFICATE OF CLERK OF THE PEACE THAT THE COSTS OF AN APPEAL ARE NOT PAID.

Office of the Clerk of the Peace for the District (*or* County, United Counties, *or as the case may be*) of

TITLE OF THE APPEAL.

I hereby certify, that at a Court of General *or* Quarter Sessions of the Peace, (*or other Court discharging the functions of the Court of General or Quarter Sessions, as the case may be*) holden at , in and for the said District (*or* County, United Counties. *or as the case may be*) on last past, an appeal by A. B. against a conviction (*or* order) of J. S., Esquire, one of Her Majesty's Justices of the Peace in and for the said District (*or* County, United Counties, *or as the case may be*) came on to be tried, and was there heard and determined, and the said Court of General *or* Quarter Sessions (*or other Court, as the case may be*), thereupon ordered that the said conviction (*or* order) should be confirmed (*or* quashed) and that the said (*Appellant*) should pay to the said (*Respondent*) the sum of for his costs incurred by him in the said appeal, and which sum was thereby ordered to be paid to the Clerk of the Peace for the said District (*or* County, United Counties, *or as the case may be*) on or before the day of instant, to be by him handed over to the said (*Respondent*), and I further certify that the said sum for costs has not, nor has any part thereof, been paid in obedience to the said order.

Dated this day of , one thousand eight hundred and .

G. H.
Clerk of the Peace.

(S 1)

(S 1) *See* s. 75.

WARRANT OF DISTRESS FOR COSTS OF AN APPEAL AGAINST A CONVICTION OR ORDER.

Canada,
Province of ,
District (*or* County,
United Counties, *or*
as the case may be,)
of

To all or any of the Constables or other Peace Officers in the said District (*or* County, United Counties, *or as the case may be*) of

Whereas (*&c., as in the warrants of distress, N* 1, 2, *ante, and to the end of the Statement of the Conviction or Order, and then thus*): And whereas the said A. B. appealed to the Court of General Quarter Sessions of the Peace (*or other Court discharging the functions of the Court of General or Quarter Sessions, as the case may be*) for the said District (*or* County, United Counties, *or as the case may be*) against the said Conviction or Order, in which appeal the said A. B. was the Appellant, and the said C. D., (*or* J. S. Esquire, the Justice of the Peace who made the said Conviction *or* Order) was the Respondent, and which said appeal came on to be tried and was heard and determined at the last General Quarter Sessions of the Peace (*or other Court, as the case may be*) for the said District (*or* County, United Counties, *or as the case may be*) holden at , on , and the said Court thereupon ordered that the said Conviction (*or* Order) should be confirmed (*or* quashed) and that the said (*Appellant*) should pay to the said (*Respondent*) the sum of for his costs incurred by him in the said appeal, which said sum was to be paid to the Clerk of the Peace for the said District (*or* County, United Counties, *or as the case may be*) on or before the day of , one thousand eight hundred and , to be by him handed over to the said C. D.; and whereas the Clerk of the Peace of the said District (*or* County, United Counties, *or as the case may be*) hath, on the day of instant, duly certified that the said sum for costs had not been paid;* These are therefore to command you, in Her Majesty's name, forthwith to make distress of the goods and chattels of the said A. B., and if within the space of days next after the making of such distress, the said last mentioned sum, together with the reasonable charges of taking and keeping the said distress, shall not be paid, that then you do sell the said goods and chattels so by you distrained, and do pay the money arising from such sale to the Clerk of the Peace for the said District (*or* County, United Counties, *or as the case may be*) of , that he may pay and apply the same as by law directed; and if no such distress can be found, then that you certify the same unto me or any other Justice of the Peace for the same District (*or*

(*or* County, United Counties, *or as the case may be*) to the end that such proceedings may be had therein, as to law doth appertain.

Given under my hand and seal, this day of , in the year of our Lord , at , in the District (*or* County *or as the case may be*) aforesaid.

O. K. [L. S.]

(S 2) *See* s. 75.

WARRANT OF COMMITMENT FOR WANT OF DISTRESS IN THE LAST CASE.

Canada,
Province of ,
District (*or* County, United Counties, *o as the case may be* of

To all or any of the Constables, or other Peace Officers, in the said District (*or* County, United Counties, *or as the case may be*) of and to the Keeper of the Common Gaol of the said District (*or* County, United Counties, *or as the case may be*) of , at , in the said County of :

Whereas (*&c., as in the last form, to the asterisk,* * *and then thus*): And whereas, afterwards, on the day of , in the year aforesaid, I, the undersigned, issued a warrant to all or any of the Constables and other Peace Officers in the said District (*or* County, United Counties, *or as the case may be*) of , commanding them, or any of them, to levy the said sum of , for costs, by distress and sale of the goods and chattels of the said A. B.; And where as it appears to me, as well by the return to the said Warrant of Distress to the Constable (*or* Peace Officer), who was charged with the execution of the same, as otherwise, that the said Constable hath made diligent search for the goods and chattels of the said A. B., but that no sufficient distress whereon to levy the said sum above mentioned could be found; These are therefore to command you, the said Constables or Peace Officers, or any one of you, to take the said A. B., and him safely to convey to the Common Gaol of the said District (*or* County, United Counties of *as the case may be*,) at aforesaid, and there deliver him to the said keeper thereof, together with this Precept; and I do hereby command you, the said Keeper of the said Common Gaol, to receive the said A. B. into your custody in the said Common Gaol, there to imprison him (*and keep him at hard labour*) for the space of ,) unless the same sum and all costs and charges of the said distress (and for the commitment and conveying of the said A. B. to the said Common Gaol, amounting to the further sum of ,) shall be sooner paid unto you, the said Keeper, and for so doing, this shall be your sufficient Warrant.

Given under my hand and seal, this day of , in

in the year of our Lord , at , in the District (*County, United Counties, or as the case may be*) aforesaid.

J. N. [L. S.]

T.

GENERAL FORM OF INFORMATION OR OF COMPLAINT ON OATH.

Canada,
Province of ,
District (*or* County,
United Counties, *or*
as the case may be)
of

The information (*or* complaint) of C. D., of the township of in the said District (or County, United Counties, *or as the case may be*,) of (*laborer*). (*If preferred by an Attorney or Agent, say:*) "D. E.) his duly authorized Agent (*or Attorney*), in this behalf, taken upon oath, before me, the undersigned, one of Her Majesty's Justices of the Peace, in and for the said District (*or* County, United Counties, *or as the case may be*) of , at N., in the said District, County, *or as the case may be*) of this day of , in the year of our Lord, one thousand eight hundred and , who saith* that (he hath just cause to suspect and believe, and doth suspect and believe that) A. B., of the (*township*) of , in the said District (*or* County, *as the case may be*) of , within the space of , (*the time within which the information (or complaint) must be laid,*) last past, to wit, on the day of instant, at the (*township*) of in the District (*County, or as the case may be*) aforesaid, did (*here set out the offence, &c.,*) contrary to the form of Statute in such case made and provided.

C. D. (*or* D. E.)

Taken and sworn before me, the day and year and at the place above mentioned.

J. S.

FORM OF ORDER OF DISMISSAL OF AN INFORMATION OR COMPLAINT.

Canada,
Province of ,
District (*or* County
United Counties, *or*
as the case may be)
of

Be it remembered, that on , information was laid (*or* complaint was made) before the undersigned, (*one*) of Her Majesty's

Majesty's Justices of the Peace in and for the said District (*or* County, United Counties, *or as the case may be*) of , for that (*&c., as in the Summons of the Defendant*) and now at this day, to wit, on , at , (*if at any adjournment insert here:* "To which day the hearing of this case hath been duly adjourned, of which the said C. D. had due notice," both the said parties appear before me in order that I should hear and determine the said information, (*or* complaint) (or the said A. B. appeareth before me, but the said C. D., although duly called, doth not appear); whereupon the matter of the said information (*or* complaint) being by me duly considered, (it manifestly appears to me that the said information (*or* complaint) is not proved, and (*If the Informant* (*or Complainant*) *do not appear these words may be omitted*) I do therefore dismiss the same, (and do adjudge that the said C. D. do pay to the said A. B. the sum of for his costs incurred by him in defence in his behalf; and if the said sum for costs be not paid forthwith. (*or* on or before), I order that the same be levied by distress and sale of the goods and chattels of the said C. D. and in default of sufficient distress in that behalf, I adjudge the said C. D. to be imprisoned in the Common Gaol of the said District (or County, United Counties, *as the case may be*) of at in the said (*County*) of (*and there kept at hard labor* for the space of , unless the said sum for costs, and all costs and charges of the said distress (and of the commitment and conveying of the said C. D. to the said Common Gaol) shall be sooner paid.

Given under my hand and seal, this day of in the year of our Lord, at in the District (*or* County, *or as the case may be*) aforesaid.

J. S. [L. S.]

FORM OF CERTIFICATE OF DISMISSAL.

I hereby certify, that an information (*or* complaint) preferred by C. D. against A. B. for that (*&c., as in the Summons*) was this day considered by me, one of Her Majesty's Justices of the Peace in and for the said District (*or* County, United Counties, *or as the case may be*) of , and was by me dismissed (with costs),

Dated this day of , one thousand

J. S.

GENERAL FORM OF NOTICE OF APPEAL AGAINST A CONVICTION OR ORDER.

To C. D. of, &c., and (*the names and additions of the parties to whom the notice of appeal is required to be given.*)

Take notice, that I, the undersigned A. B., of &c., do intend to enter and prosecute an appeal at the next General Quarter Sessions of the Peace, (*or in any other Court discharging the functions*

of

of the Court of General or Quarter Sessions, as the case may be,) to be holden at , in and for the District (*or* County, United Counties, *or as the case may be,*) , against a certain conviction (*or* order) bearing date on or about the day of instant, and made by (you) C. D., Esquire, (*one*) of Her Majesty's Justices of the Peace for the said District (*or* County, United Counties, *or as the case may be,*) of , whereby the said A. B., was convicted of having (*or* was ordered) , (*here state the offence as in the conviction, order, information or summons, as correctly as possible:*) And further, take notice that the grounds of my appeal are, first, that (I am not guilty of the said offence; secondly, that the formal conviction drawn up and returned to the Sessions is not in law sufficient to support the said conviction of me, the said A. B.,) (*together with any other grounds, care being taken that all are stated, as the appellant will be precluded from going into any other than those stated.*)

Dated this day of , one thousand eight hundred and

A. B.

Mem.—*If this notice be given by several Defendants, or by an Attorney, it can easily be adapted to the special case.*

FORM OF RECOGNIZANCE TO TRY THE APPEAL, &c.

Be it remembered, that on , A. B., of (*labourer,*) and L. M., of (*grocer*) and N. O., of (*yeoman,*) personally came before the undersigned, (*one*) of Her Majesty's Justices of the Peace in and for the said District (*or* County, United Counties, *or as the case may be,*) of , and severally acknowledged themselves to owe to our Sovereign Lady the Queen, the several sums following, that is to say, the said A. B. the sum of , and the said L. M. and N. O. the sum of , each, of good and lawful money of Canada, to be made and levied of their several goods and chattels, lands and tenements respectively, to the use of our said Lady the Queen, Her Heirs and Successors, if he the said A. B. shall fail in the condition endorsed.

Taken and acknowledged the day and year first above mentioned at , before me.

J. S.

The condition of the within written Recognizance is such, that if the said A. B. shall, at the (*next*) General *or* Quarter Sessions of the Peace, (*or other Court discharging the functions of the Court of General or Quarter Sessions, as the case may be*) to be holden at , on the day of next, in and for the said District (*or* County, United Counties, *or as the case may be,*) of , enter and prosecute an appeal against a certain conviction bearing date the day of instant, and made by (me) the said Justice, whereby he the said A. B. was convicted

convicted, for that he the said A. B. did on the day of , at the township of , in the said District (*or* County, United Counties, *or as the case may be,*) of , (*here set out the offence as stated in the conviction ;*) And further, that if the said A. B. shall abide by and duly perform the order of the Court to be made upon the trial of such appeal, then the said Recognizance to be void, or else to remain in full force and virtue.

FORM OF NOTICE OF SUCH RECOGNIZANCE TO BE GIVEN TO THE DEFENDANT (APPELLANT) AND HIS SURETIES.

Take notice, that you, A. B., are bound in the sum of , and you, L. M. and N. O. in the sum of each, that you the said A. B. at the next General or Quarter Sessions of the Peace to be holden at , in and for the said District, (*or* County, United Counties, *or as the case may be,*) of , enter and prosecute an Appeal against a conviction (*or* order) dated the day of (*instant,*) whereby you, A. B. were convicted of (*or* ordered &c.,) (*stating offence or the subject of the order shortly*), and abide by and perform the Order of the Court to be made upon the trial of such Appeal; and unless you the said A. B. prosecute such Appeal accordingly, the Recognizance entered into by you will forthwith be levied on you, and each of you.

Dated this day of one thousand eight hundred and

SURETIES.

COMPLAINT BY THE PARTY THREATENED, FOR SURETIES FOR THE PEACE.

Proceed as in the Form (T) *to the asterisk* *, *then :* that A. B of the (*Township*) of , in the District (County, *or as the case may be,*) of , did, on the day of (instant *or* last past, *as the case may be*), threaten the said C. D. in the words or to the effect following, that is to say, (*set them out, with the circumstances under which they were used :*) and that from the above and other threats used by the said A. B. towards the said C. D., he the said C. D. is afraid that the said A. B. will do him some bodily injury, and therefore prays that the said A. B. may be required to find sufficient Sureties to keep the peace and be of good behaviour towards him the said C. D. ; and the said C. D. also saith that he doth not make this complaint against nor require such Sureties from the said A. B. from any malice or ill-will, but merely for the preservation of his person from injury.

FORM

FORM OF RECOGNIZANCE FOR THE SESSIONS.

Be it remembered, that on the day of , in the year of our Lord , A. B. of (*labourer*), L. M. of (*grocer*), and N. O. of (*butcher*), personally came before (*us*) the undersigned, (*two*) of Her Majesty's Justices of the Peace for the said District (*or* County, United Counties, *or as the case may be*,) of and severally acknowledged themselves to owe to our Lady the Queen the several sums following, that is to say: the said A. B. the sum of , and the said L. M. and N. O. the sum of , each, of good and lawful money of Canada, to be made and levied of their goods and chattels, lands and tenements respectively, to the use of our said Lady the Queen, Her Heirs and Successors, if he the said A. B. fail in the condition endorsed.

Taken and acknowledged the day and year first above mentioned, at , before us.

J. S.
J. T.

The condition of the within written Recognizance is such, that if the within bounded A. B. (of, &c.) shall appear at the next Court of General or Quarter Sessions of the Peace (*or other Court discharging the functions of the Court of General Quarter Sessions, as the case may be*,) to be holden in and for the said District (*or* County, United Conntics, *or as the case may be*) of , to do and receive what shall be then and there enjoined him by the Court, and in the meantime shall keep the peace and be of good behaviour towards Her Majesty and all Her liege people, and specially towards C. D. (of &c.) for the term of now next ensuing, then the said Recognizance to be void, or else to stand in full force and virtue.

FORM OF COMMITMENT IN DEFAULT OF SURETIES.

Canada,
Province of ,
District (*or* County,
United Counties, *or*
as the case may be)
of ;

To all or any of the Constables or other Peace Officers in the District (*or* County) (*or* one of the United Counties, *or as the case may be*) of and to the Keeper of the Common Gaol of the said District, (County *or* United Counties, *or as the case may be*) at , in the said District (or County, &c.,)

Whereas on the day of instant, complaint on oath was made before the undersigned (*or* J. L., Esquire,) (*one*) of Her Majesty's Justices of the Peace in and for the said District (*or*

(*or* County, United Counties, *or as the case may be*) of , by C. D. of the township of , in the said District (County, *or as the case may be*) (*labourer*,) that A. B. of, &c., on the day of , at the township of aforesaid, did threaten (*&c., follow to end of complaint, as in form above, in the past tense, then*): And whereas the said A. B. was this day brought and appeared before the said Justice (*or* J. L., Esquire, one of Her Majesty's Justices of the Peace in and for the said District (*or* County, United Counties, *or as the case may be*) of , to answer unto the said complaint: And* having been required by me to enter into his own Recognizance in the sum of with two sufficient sureties in the sum of each, as well for his appearance at the next General or Quarter Sessions of the Peace, (*or other Court discharging the functions of the Court of General or Quarter Sessions, as the case may be*,) to be held in and for the said District (*or* County, United Counties, *or as the case may be*,) of , to do what shall be then and there enjoined him by the Court, as also in the meantime to keep the Peace and be of good behaviour towards Her Majesty and Her liege people, and especially towards the said C. D., hath refused and neglected, and still refuses and neglects to find such sureties); These are therefore to command you and each of you to take the said A. B., and him safely to convey to the (*Common Gaol*) at aforesaid, and there to deliver him to the Keeper thereof, together with this Precept; And I do hereby command you the said Keeper of the (*Common Gaol* to receive the said A. B. into your custody, in the said (*Common Gaol*,) there to imprison him until the said next General *or* Quarter Sessions of the Peace (*or the next term or sitting, the said Court discharging the functions of the Court of General or Quarter Sessions, as the case may be*,) unless he, in the meantime, find sufficient sureties as well for his appearance at the said Sessions (*or* Court), as in the meantime to keep the peace as aforesaid.

Given under my hand and seal, this day of in the year of Our Lord , at in the District (*or* County, *or as the case may be*) aforesaid

J. S. [L. S.

CAP. XXXII.

An Act respecting the prompt and summary administration of Criminal Justice in certain cases.

[*Assented to 22nd June*, 1869.]

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:— **Preamble.**

1. In this Act the expression "a competent Magistrate" shall as respects the Province of Quebec and the Province of Ontario, mean **Interpretation of words, &c., "A competent magistrate."**

mean and include any Recorder, Judge of a County Court, being a Justice of the Peace, Commissioner of Police, Judge of the Sessions of the Peace, Police Magistrate, District Magistrate or other functionary or tribunal invested at the time of the passing of this Act with the powers vested in a Recorder by chapter one hundred and five of the Consolidated Statutes of Canada, intituled "*An Act respecting the prompt and summary administration of Criminal Justice in certain cases,*" and acting within the local limits of his or of its jurisdiction, and any functionary or tribunal invested by the proper legislative authority with power to do alone such acts as are usually required to be done by two or more Justices of the Peace; and as respects the Province of Nova Scotia or the Province of New Brunswick, the said expression shall mean and include a Commissioner of Police and any functionary, tribunal or person invested or to be invested by the proper legislative authority with power to do alone such acts as are usually required to be done by two or more Justices of the Peace, and the expression "the Magistrate" shall mean a competent Magistrate as above defined;

"Common gaol, &c."

And the expression "the Common Gaol or other place of confinement," shall in the case of any offender whose age at the time of his conviction does not in the opinion of the Magistrate exceed sixteen years, include any Reformatory Prison provided for the reception of juvenile offenders in the Province in which the conviction referred to takes place, and to which by the law of that Province the offender can be sent.

Power to a competent magistrate to try certain offences in a summary way by consent of the party accused.

2. Where any person is charged before a competent Magistrate with having committed—

Larceny.

1. Simple larceny, larcency from the person, embezzlement, or obtaining money or property by false pretences, or feloniously receiving stolen property, and the value of the whole of the property alleged to have been stolen, embezzled, obtained, or received does not in the judgment of the Magistrate exceed ten dollars; or,

Attempt at larceny.

2. With having attempted to commit larceny from the person or simple larceny, or,

Assault.

3. With having committed an aggravated assault, by unlawfully and maliciously inflicting upon any other person, either with or without a weapon or instrument, any grievous bodily harm, or by unlawfully and maliciously cutting, stabbing or wounding any other person; or,

Assault on females or children.

4. With having committed an assault upon any female whatever, or upon any male child whose age does not in the opinion of the Magistrate exceed fourteen years, such assault being of a nature which cannot in the opinion of the Magistrate be sufficiently punished by a summary conviction before him under any other

other Act, and such assault, if upon a female, not amounting in his opinion to an assault with intent to commit a rape; or,

5. With having assaulted obstructed, molested or hindered any magistrate, bailiff, or constable or officer of customs or excise or other officer in the lawful performance of his duty, or with intent to prevent the performance thereof; or, On magistrates, &c.

6. With keeping or being an inmate, or habitual frequenter of any disorderly house, house of ill-fame or bawdy house;— Houses of ill-fame, and (see Sec. 15) as to cities.

The Magistrate may, subject to the provisions hereinafter made, hear and determine the charge in a summary way.

3. Whenever the Magistrate before whom any person is charged as aforesaid proposes to dispose of the case summarily under the provisions of this Act, such Magistrate, after ascertaining the nature and extent of the charge, but before the formal examination of the witnesses for the prosecution, and before calling on the party charged for any statement which he may wish to make, shall state to such person the substance of the charge against him, and (if the charge is not one that can be tried summarily without the consent of the accused) shall then say to him, these words, or words to the like effect: "Do you consent that the charge against you shall be tried by me, or do you desire that it shall be sent for trial by a jury at the (*naming the Court at which it could soonest be tried*);" and if the person charged consents to the charge being summarily tried and determined as aforesaid, or if the power of the Magistrate to try it does not depend on the consent of the accused, the Magistrate shall reduce the charge into writing, and read the same to such person, and shall then ask him whether he is guilty or not of such charge. Accused to be asked if he consents to be tried summarily. If he consents, or the jurisdiction is absolute.

4. If the person charged confesses the charge, the Magistrate shall then proceed to pass such sentence upon him as may by law be passed, (subject to the provisions of this Act,) in respect to such offence; but if the person charged says that he is not guilty, the Magistrate shall then examine the witnesses for the prosecution, and when the examination has been completed, the Magistrate shall inquire of the person charged whether he has any defence to make to such charge, and if he states that he has a defence, the Magistrate shall hear such defence, and shall then proceed to dispose of the case summarily. If he admits the charge. If not. And if he has a defence.

5. In the case of larceny, feloniously receiving stolen property or attempt to commit larceny from the person, or simple larceny, charged under the first or second sub-sections of the second section of this Act, if the Magistrate after hearing the whole case for the prosecution and for the defence, finds the charge proved, then he shall convict the person charged and commit him to the Common Gaol or other place of confinement, there to be imprisoned, Sentence in case of conviction of larceny.

imprisoned, with or without hard labour, for any period not exceeding six months.

Offence not proved.

6. If in any case the Magistrate finds the offence not proved, he shall dismiss the charge, and make out and deliver to the person charged a certificate under his hand stating the fact of such dismissal.

Form of conviction.

7. Every such conviction and certificate respectively may be in the forms A and B, in this Act, or to the like effect.

If the accused does not consent, or the Magistrate thinks the case proper to be otherwise tried.

8. If (when his consent is necessary) the person charged does not consent to have the case heard and determined by the Magistrate, or in any case if it appears to the Magistrate that the offence is one which, owing to a previous conviction of the person charged, or from any other circumstance, ought to be made the subject of prosecution by indictment rather than to be disposed of summarily, such Magistrate shall deal with the case in all respects as if this Act had not been passed; but a previous conviction shall not prevent the Magistrate from trying the offender summarily, if he thinks fit so to do.

Discharge in certain cases.

9. If upon the hearing of the charge the Magistrate is of opinion that there are circumstances in the case which render it inexpedient to inflict any punishment, he may dismiss the person charged without proceeding to a conviction.

If the value of the property exceeds $10, and the Magistrate thinks the case one to be tried summarily.

10. Where any person is charged before a competent Magistrate with simple larceny, or with having obtained property by false pretences, or with having embezzled or having feloniously received stolen property, or with committing larceny from the person, or with larceny as a clerk or servant, and the value of the property stolen, obtained, embezzled, or received exceeds ten dollars, and the evidence in support of the prosecution is in the opinion of the Magistrate sufficient to put the person on his trial for the offence charged, such Magistrate, if the case appear to him to be one which may properly be disposed of in a summary way, and may be adequately punished by virtue of the powers of this Act, shall reduce the charge into writing and shall read it to the said person, and (unless such person is one who can be tried summarily without his consent) shall then put to him the question mentioned in section three, and shall explain to him that he is not obliged to plead or answer before such Magistrate at all, and that if he do not plead or answer before him, he will be committed for trial in the usual course.

If the offender consents and pleads guilty.

11. If the person so charged consents to be tried by the Magistrate, the Magistrate shall then ask him whether he is guilty or not of the charge, and if such person says that he is guilty, the Magistrate shall thereupon cause a plea of guilty to be entered upon the proceedings, and shall convict him of the offence, and commit him to the Common Gaol or other place of confinement, there

there to be imprisoned, with or without hard labour, for any term not exceeding twelve months, and every such conviction may be in the form C, or to the like effect.

12. In every case of summary proceedings under this Act, the person accused shall be allowed to make his full answer and defence, and to have all witnesses examined and cross-examined, by counsel or attorney. Full defence allowed.

13. The Magistrate before whom any person is charged under this Act, may by summons require the attendance of any person as a witness upon the hearing of the case at a time and place to be named in such summons, and such Magistrate may bind by recognizance all persons whom he may consider necessary to be examined touching the matter of such charge, to attend at the time and place to be appointed by him, and then and there to give evidence upon the hearing of such charge; And in case any person so summoned or required or bound as aforesaid, neglects or refuses to attend in pursuance of such summons or recognizance, then upon proof being first made of such person's having been duly summoned as hereinafter mentioned, or bound by recognizance as aforesaid, the Magistrate before whom such person ought to have attended may issue a warrant to compel his appearance as a witness. Power to summon and compel attendance of witnesses.

14. Every summons issued under this Act may be served by delivering a copy of the summons to the party summoned, or by delivering a copy of the summons to some inmate of such party's usual place of abode; and every person so required by any writing under the hand of any competent Magistrate to attend and give evidence as aforesaid, shall be deemed to have been duly summoned. Mode of summoning under this Act.

15. The jurisdiction of the Magistrate in the case of any person charged within the Police limits of any City in Canada, with therein keeping or being an inmate or an habitual frequenter of any disorderly house, house of ill-fame or bawdy house, shall be absolute, and shall not depend on the consent of the party charged to be tried by such Magistrate, nor shall such party be asked whether he consents to be so tried; nor shall this Act affect the absolute summary jurisdiction given to any Justice or Justices of the Peace in any case, by any other Act. Jurisdiction of Magistrate absolute in certain cases.

16. The jurisdiction of the Magistrate shall also be absolute in the case of any person, being a sea-faring person and only transiently in Canada, and having no permanent domicile therein, charged, either within the City of Quebec as limited for the purpose of the Police Ordinance, or within the City of Montreal as so limited, or in any other Seaport, City or Town in Canada, where there is a competent Magistrate, with the commission therein of any of the offences mentioned in the second section of this Act, and also in the case of any other person charged with And as to certain persons.

with any such offence on the complaint of any such sea-faring person whose testimony is essential to the proof of the offence, and such jurisdiction shall not depend on the consent of any such party to be tried by the Magistrate, nor shall such party be asked whether he consents to be so tried.

Sentence on parties convicted of certain offences.

17. In any case summarily tried under the third, fourth, fifth, or sixth sub-section of the second section of this Act, if the Magistrate finds the charge proved, he may convict the person charged and committ him to the Common Gaol or other place of confinement, there to be imprisoned with or without hard labour for any period not exceeding six months, or may condemn him to pay a fine not exceeding, with the costs in the case, one hundred dollars, or to both fine and imprisonment, not exceeding the said period and sum; and such fine may be levied by warrant of distress under the hand and seal of the Magistrate, or the party convicted may be condemned (in addition to any other imprisonment on the same conviction) to be committed to the Common Gaol or other place of confinement, for a further period not exceeding six months, unless such fine be sooner paid.

Levying any fine imposed.

Forms in cases under this Act.

18. Whenever the nature of the case requires it, the forms given at the end of this Act shall be altered by omitting the words stating the consent of the party to be tried before the Magistrate, and by adding the requisite words stating the fine imposed (if any) and the imprisonment (if any) to which the party convicted is to be subjected if the fine be not sooner paid.

Persons brought before J. P's may be remanded for trial under this Act.

19. Where any person is charged before any Justice or Justices of the Peace, with any offence mentioned in this Act, and in the opinion of such Justice or Justices, the case is proper to be disposed of by a competent Magistrate, as herein provided, the Justice or Justices before whom such person is so charged may, if he or they see fit, remand such person for further examination before the nearest competent Magistrate, in like manner in all respects as a Justice or Justices are authorized to remand a party accused for trial at any Court, under any general Act respecting the duties of Justices of the Peace out of Sessions, in like cases.

But not into any other Province.

20. No Justice or Justices of the Peace in any Province, shall so remand any person for further examination or trial before any such Magistrate in any other Province.

Before whom to be tried.

21. Any person so remanded for further examination before a competent Magistrate in any City, may be examined and dealt with by any other competent Magistrate in the same City.

Party not appearing according to his recognisance.

22. If any person suffered to go at large upon entering into such recognizance as the Justice or Justices are authorized under any such Act as last mentioned to take, on the remand of a party accused, conditioned for his appearance before a competent Magistrate

trate under the preceding sections of this Act, does not afterwards appear pursuant to such recognizance, then the Magistrate before whom he ought to have appeared shall certify (under his hand on the back of the recognizance,) to the Clerk of the Peace of the District, County or place (as the case may be) the fact of such non-appearance, and such recognizance shall be proceeded upon in like manner as other recognizances, and such certificate shall be deemed sufficient *primâ facie* evidence of such non-appearance.

23. The Magistrate adjudicating under this Act shall transmit the conviction, or a duplicate of a certificate of dismissal, with the written charge, the depositions of witnesses for the prosecution and for the defence, and the statement of the accused, to the next Court of General or Quarter Sessions of the Peace, or to the Court discharging the functions of a Court of General or Quarter Sessions of the Peace, for the District, County or Place, there to be kept by the proper Officer among the Records of the Court. **Convictions to be transmitted to Q. S., &c.**

24. A copy of such conviction, or of such certificate of dismissal, certified by the proper Officer of the Court, or proved to be a true copy, shall be sufficient evidence to prove a conviction or dismissal for the offence mentioned therein, in any legal proceedings whatever. **Proof of conviction or dismissal.**

25. The Magistrate, by whom any person has been convicted under this Act, may order restitution of the property stolen, or taken or obtained by false pretences, in those cases in which the Court before whom the person convicted would have been tried but for this Act, might by law order restitution. **Restitution of property.**

26. Every Court, held by a competent Magistrate for the purposes of this Act, shall be an open public Court, and a written or printed notice of the day and hour for holding such Court, shall be posted or affixed by the Clerk of the Court upon the outside of some conspicuous part of the building or place where the same is held. **Magistrate's Court to be open.**

27. The provisions of the *Act respecting the duties of Justices of the Peace out of Sessions, in relation to summary convictions and orders*, and the provisions of the *Act respecting the duties of Justices of the Peace out of Sessions in relation to persons charged with indictable offences*, shall not be construed as applying to any proceedings under this Act except as mentioned in section nineteen. **Certain provisions not to apply to cases under this Act.**

28. Every conviction by a competent Magistrate under this Act shall have the same effect as a conviction upon indictment for the same offence would have had, save that no conviction under this Act shall be attended with forfeiture beyond the penalty (if any) imposed in the case. **Effect of conviction.**

29.

And of dismissal.

29. Every person who obtains a certificate of dismissal or is convicted under this Act, shall be released from all further or other criminal proceedings for the same cause.

No conviction to be quashed for want of form, &c.

30. No conviction, sentence or proceeding under this Act shall be quashed for want of form; and no warrant of commitment upon a conviction shall be held void by reason of any defect therein, if it be therein alleged that the offender has been convicted, and there be a good and valid conviction to sustain the same.

Act not to affect that for trial of Juvenile offenders

31. Nothing in this Act shall affect the provisions of the *Act respecting the Trial and Punishment of Juvenile Offenders;* and this Act shall not extend to persons punishable under that Act, so far as regards offences for which such persons may be punished thereunder.

How fines under this Act shall be applied.

32. Every fine imposed under the authority of this Act shall be paid to the Magistrate, who has imposed the same, or to the Clerk of the Court or Clerk of the Peace, as the case may be, and shall be by him paid over to the County Treasurer for county purposes if it has been imposed in the Province of Ontario,—and if it has been imposed in any new district in the Province of Quebec, constituted by any Act of the Legislature of the late Province of Canada passed in or after the year one thousand eight hundred and fifty-seven, then to the Sheriff of such District as Treasurer of the Building and Jury Fund for such District to form part of the said Fund,—and if it has been imposed in any other District in the said Province, then to the Prothonotary of such District, to be by him applied under the direction of the Lieutenant Governor in Council, towards the keeping in repair of the Court House in such District, or to be by him added to the moneys and fees collected by him for the erection of a Court House and Gaol in such District, so long as such fees shall be collected to defray the cost of such erection; And in the Province of Nova Scotia to the County Treasurer for County purposes, and in the Province of New Brunswick to the County Treasurer for County purposes.

Interpretation of certain words.

33. In the interpretation of this Act the word "property" shall be construed to include everything included under the same word or the expression "valuable security," as used in the *Act respecting Larceny and other similar offences;* and in the case of any "valuable security," the value thereof shall be reckoned in the manner prescribed in the said Act.

Con. Stat. Can. Cap. 105 repealed. Exception.

34. The Act cited in the first section of this Act chapter one hundred and five of the Consolidated Statutes of Canada is hereby repealed, except as to cases pending under it at the time of the coming into force of this Act and as to all sentences pronounced and punishments awarded under it, as regards all which this Act shall be construed as a re-enactment of the said Act, with amendments, and not as a new law.

35.

35. This Act shall commence and take effect on the first day of January, in the year of our Lord, one thousand eight hundred and seventy. Commencement of this Act.

FORM (A) *See* s. 7.

CONVICTION.

Province of City *or* , }
as the case may be of, to wit : }

Be it remembered that on the day of , in the year of our Lord , at , A. B., being charged before me the undersigned , of the said (City,) (and consenting to my deciding upon the charge summarily,) is convicted before me, for that he the said A. B., &c., (*stating the offence, and the time and place when and where committed*,) and I adjudge the said A. B., for his said offence, to be imprisoned in the (and there kept to hard labour) for the space of .

Given under my hand and seal, the day and year first above mentioned, at aforesaid.

J. S. [L. S.]

FORM (B) *See* s. 7.

CERTIFICATE OF DISMISSAL.

Province of City *or* }
as the case may be of, to wit : }

I, the undersigned, , of the City *or as the case may be*, of , certify that on the day of in the year of our Lord , at aforesaid, A.B., being charged before me (and consenting to my deciding upon the charge summarily), for that he the said A. B., &c., (*stating the offence charged, and the time and place when and where alleged to have been committed*,) I did, after having summarily adjudicated thereon, dismiss the said charge.

Given under my hand and seal, this day of , at aforesaid.

J. S. [L. S.]

FORM (C) *See* s 11.

CONVICTION UPON A PLEA OF GUILTY.

Province of City *or* , }
as the case may be of, to wit : }

Be it remembered that on the day of in the year of our Lord , at A. B., being

being charged before me the undersigned , of the said City, (and consenting to my deciding upon the charge summarily) for that he the said A.B., &c., (*stating the offence, and the time and place when and where committed,*) and pleading guilty to such charge, he is thereupon convicted before me of the said offence; and I adjudge him the said A. B. for his said offence, to be imprisoned in the (and there kept to hard labour) for the space of

Given under my hand and seal, the day and year first above mentioned, at aforesaid.

J. S. [L S.]

CAP. XXXIII.

An Act respecting the trial and punishment of Juvenile Offenders.

[*Assented to 22nd June*, 1869.]

Preamble.

HER Majesty by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

Interpretation of certain expressions.

1. In this Act the expression "any two or more Justices," shall as respects the Province of Quebec, include any two or more Justices of the Peace, the Sheriff of any District except Montreal and Quebec, the Deputy Sheriff of Gaspé, and any Recorder, Judge of the Sessions of the Peace, Police Magistrate, District Magistrate or Stipendiary Magistrate acting within the limits of their respective jurisdictions;—and as respects the Province of Ontario, any Judge of the County Court being a Justice of the Peace, Police Magistrate or Stipendiary Magistrate, or any two Justices of the Peace, acting within their respective jurisdictions;—and as respects the Province of Nova Scotia or the Province of New Brunswick, the said expression shall mean and include any functionary or tribunal invested or to be invested by the proper legislative authority with power to do acts usually required to be done by two or more Justices of the Peace;—and the expression "the Justices" shall have the same meaning as the expression "two or more Justices of the Peace" as above defined; and the expression "the Common Gaol or other place of confinement" shall include any Reformatory Prison provided for the reception of juvenile offenders in the Province in which the conviction referred to takes place, and to which by the law of that Province the offender can be sent.

Persons not more than sixteen years of age may be summarily convicted of certain offences before two Justices.

2. Every person charged with having committed or having attempted to commit, or with having been an aider, abettor, counsellor or procurer in the commission of any offence which is simple larceny, or punishable as simple larceny, and whose age at the period of the commission or attempted commission of such offence does not, in the opinion of the Justice before whom he is brought or appears as mentioned in section seven, exceed the age of sixteen years, shall upon conviction thereof, in open Court, upon

upon his own confession or upon proof, before any two or more Justices, be committed to the Common Gaol or other place of confinement within the jurisdiction of such Justices, there to be imprisoned with or without hard labour, for any term not exceeding three months, or, in the discretion of such Justices, shall forfeit and pay such sum, not exceeding twenty dollars, as the said Justices may adjudge.

3. The Justices before whom any person is charged and proceeded against under this Act, before such person is asked whether he has any cause to shew why he should not be convicted, shall say to the person so charged, these words, or words to the like effect: **Defendant to be asked if he consent to be so tried.**

" We shall have to hear what you wish to say in answer to the " charge against you ; but if you wish to be tried by a Jury, you " must object now to our deciding upon it at once :"

And if such person, or a parent or guardian of such person, then objects, such person shall be dealt with as if this Act had not been passed ; but nothing in this Act shall prevent the summary conviction of any such person before one or more Justices of the Peace, for any offence for which he is liable to be so convicted under any other Act. **And if he does not consent.**

4. If the Justices, upon the hearing of any such case, deem the offence not proved, or that it is not expedient to inflict any punishment, they shall dismiss the party charged, in the latter case on his finding sureties for his future good behaviour, and in the former case without sureties, and then make out and deliver to the party charged, a certificate under the hands of such Justices stating the fact of such dismissal. **Case dismissed if offence is not proved, &c.**

Such certificate shall be in the form or to the effect set forth in the form following: **Form of certificate in such case.**

, } We , of Her Majesty's Justices of the
To wit : } Peace for the , of , (*or if a Recorder, &c.,*) I, a , of the of , *as the case may be*) do hereby certify, that on the day of , in the year of our Lord, , at , in the said of , M. N., was brought before us the said Justices (*or* me the said) charged with the following offence, that is to say (*here state briefly the particulars of the charge*), and that we the said Justices (*or* I the said) thereupon dismissed the said charge.

Given under our hands (*or* my hand) this day of

5. If the Justices are of opinion, before the person charged has made his defence, that the charge is from any circumstance a fit subject for prosecution by indictment, or if the person charged, upon being called upon to answer the charge, objects to the case being summarily disposed of under the provisions of this Act such Justices shall, instead of summarily adjudicating thereupon deal with the case in all respects as if this Act, had not been passed ; but **Justices may send case to be tried by a Jury, if they see fit.**

but this shall not prevent his being afterwards tried summarily by his own consent by a Judge of a County Court in the Province of Ontario, under any Act then in force for that purpose.

No further prosecution for the same offence.

6. Every person obtaining such certificate of dismissal as aforesaid, and every person convicted under the authority of this Act, shall be released from all further or other criminal proceedings for the same cause.

Compelling party accused to attend.

7. In case any person whose age is alleged not to exceed sixteen years be charged with any offence mentioned in section two, on the oath of a credible witness before any Justice of the Peace, such Justice may issue his summons or warrant, to summon or to apprehend the person so charged, to appear before any two Justices of the Peace, at a time and place to be named in such summons or warrant.

Power to remand or take bail.

8. Any Justice or Justices of the Peace, if he or they think fit, may remand for further examination or for trial, or suffer to go at large upon his finding sufficient sureties, any such person charged before him or them with any such offence as aforesaid.

Condition of recognizance.

9. Every such surety shall be bound by recognizance to be conditioned for the appearance of such person before the same or some other Justice or Justices of the Peace for further examination, or for trial before two or more Justices of the Peace asaforesaid, or or for trial by indictment at the proper Court of Criminal Jurisdiction, as the case may be.

Enlarging or discharging recognizance.

10. Every such recognizance may be enlarged from time to time by any such Justice or Justices or Court to such further time as he or they appoint; and every such recognizance not so enlarged shall be discharged without fee or reward when the party has appeared according to the condition thereof.

Summoning witnesses.

11. Any Justice of the Peace may, by summons, require the attendance of any person as a witness upon the hearing of any case before two Justices under the authority of this Act, at a time and place to be named in such summons.

Binding witnesses over.

12. Any such Justice may require and bind by recognizance all persons whom he considers necessary to be examined touching the matter of such charge, to attend at the time and place appointed by him, and then and there to give evidence upon the hearing of such charge.

Compelling attendance in case of refusal.

13. In case any person so summoned or required or bound as aforesaid, neglects or refuses to attend in pursuance of such summons or recognizance, then upon proof being first given of such person having been duly summoned as hereinafter mentioned, or bound by recognizance as aforesaid, either of the Justices before whom

whom any such person ought to have attended, may issue a warrant to compel his appearance as a witness.

14. Every summons issued under the authority of this Act, may be served by delivering a copy thereof to the party, or to some inmate at such party's usual place of abode, and every person so required by any writing under the hand or hands of any Justice or Justices to attend and give evidence as aforesaid, shall be deemed to have been duly summoned. **Summons to witness, how served.**

15. The Justices before whom any person is summarily convicted of any such offence as hereinbefore mentioned, may cause the conviction to be drawn up in the following form, or in any other form of words to the same effect, (varying the wording to suit the case,) that is to say: **Form of conviction.**

, } Be it remembered that on the day of
To wit: } , in the year of our Lord one thousand eight hundred and , at , in the District of , (County *or* United Counties, &c., *or as the case may be*) A. O. is convicted before us J. P. and J. R., two of Her Majesty's Justices of the Peace for the said District (*or* City, &c.,) *or* me, S. J., *Recorder*, &c., , of the of , *or as the case may be*) for that he the said A. O. did (*specify the offence and the time and place when and where the same was committed, as the case may be, but without setting forth the evidence*), and we the said J. P. and J. R. (*or* I the said S. J.) adjudge the said A. O. for his said offence to be imprisoned in the (*or* to be imprisoned in the and there kept at hard labour, for the space of , (*or* we (*or* I) adjudge the said A. O. for his said offence to forfeit and pay ,) (*here state the penalty actually imposed,*) and in default of immediate payment of the said sum, to be imprisoned in the (*or* to be imprisoned in the , and kept to hard labour) for the space of , unless the said sum shall be sooner paid.

Given under our hands and seals (*or* my hand and seal) the day and year first above mentioned.

And the conviction shall be good and effectual to all intents and purposes.

16. No such conviction shall be quashed for want of form, or be removed by *certiorari* or otherwise, into any of Her Majesty's Superior Courts of Record; and no warrant of commitment shall be held void by reason of any defect therein, provided it be therein alleged that the party has been convicted, and there is a good and valid conviction to sustain the same. **Conviction not void for want of form.** **No *certiorari*.**

17. The Justices before whom any person is convicted under the provisions of this Act, shall forthwith transmit the conviction and recognizances to the Clerk of the Peace for the district, city, county or union of counties wherein the offence was committed, there to be kept by the proper officer among the records of the Court **Convictions to be sent to Clerks of the Peace, &c.**

Court of General or Quarter Sessions of the Peace, or of any other Court discharging the functions of a Court of General or Quarter Sessions of the Peace.

Returns to Secretary of State.

18. Each such Clerk of the Peace shall transmit to the Secretary of State of Canada, a quarterly return of the names, offences and punishments mentioned in the convictions, with such other particulars as may from time to time be required.

No forfeiture, but restitution may be ordered.

19. No conviction under the authority of this Act shall be attended with any forfeiture, except such penalty as may be imposed by the sentence, but whenever any person is adjudged guilty under the provisions of this Act, the presiding Justice may order restitution of the property in respect of which the offence was committed, to the owner thereof or his representatives.

Or the payment of the value in money.

20. If such property be not then forthcoming, the Justices, whether they award punishment or dismiss the complaint, may inquire into and ascertain the value thereof in money, and if they think proper, order payment of such sum of money to the true owner, by the person convicted, either at one time or by instalments, at such periods as the Court deems reasonable.

Recovery of such value.

21. The party so ordered to pay may be sued for the same as a debt in any Court in which debts of the like amount may be by law recovered, with costs of suit, according to the practice of such Court.

Enforcing payment of penalties.

22. Whenever the Justices adjudge any offender to forfeit and pay a pecuniary penalty under the authority of this Act, and such penalty is not forthwith paid, they may if they deem it expedient, appoint some future day for the payment thereof, and order the offender to be detained in safe custody until the day so to be appointed, unless such offender gives security to the satisfaction of the Justices for his appearance on such day, and the Justices may take such security by way of recognizance or otherwise at their discretion.

Committal for non-payment.

23. If at any time so appointed such penalty has not been paid, the same or any other Justices of the Peace may, by Warrant under their hands and seals, commit the offender to the Common Gaol or other place of confinement within their jurisdiction, there to remain for any time not exceeding three months, reckoned from the day of such adjudication; such imprisonment to cease on payment of the said penalty.

Costs of prosecution may be awarded.

24. The Justices before whom any person is prosecuted or tried for any offence cognizable under this Act, may, in their discretion, at the request of the prosecutor or of any other person who appears on recognizance or summons to prosecute or give evidence against such person, order payment to the prosecutor and witnesses for the prosecution, of such sums of money as to them seem

seem reasonable and sufficient, to reimburse such prosecutor and witnesses for the expenses they have severally incurred in attending before them, and in otherwise carrying on such prosecution, and also to compensate them for their trouble and loss of time therein, and may order payment to the Constables and other Peace Officers for the apprehension and detention of any person so charged.

25. And although no conviction takes place, the said Justices may order all or any of the payments aforesaid, when they are of opinion that the parties or any of them have acted *bonâ fide*. **Even without conviction.**

26. Every fine imposed under the authority of this Act shall be paid to the Justices who impose the same, or to the Clerk of the Recorder's Court, or the Clerk of the County Court, or the Clerk of the Peace, or other proper officer, as the case may be, and shall be by him or them paid over to the County Treasurer for County purposes, if the same was imposed in the Province of Ontario; and if it was imposed in any new district in the Province of Quebec, then to the Sheriff of such district as Treasurer of the Building and Jury Fund for such district, to form part of the said Fund, and if it was imposed in any other district in the Province of Quebec, then to the Prothonotary of such district, to be by him applied, under the direction of the Lieutenant Governor in Council, towards the keeping in repair of the Court House in such district, or to be by him added to the moneys or fees collected by him, for the erection of a Court House or Gaol in such district, so long as such fees are collected to defray the cost of such erection, and if it was imposed in the Province of Nova Scotia it shall be paid over to the County Treasurer, for County purposes, and if it was imposed in the Province of New Brunswick, it shall be paid over to the County Treasurer, for County purposes. **To whom and for what purpose fines shall be paid over.**

27. The amount of expenses of attending before the Justices and the compensation for trouble and loss of time therein, and the allowances to the Constables and other Peace Officers for the apprehension and detention of the offender, and the allowances to be paid to the prosecutor, witnesses and constables for attending at the trial or examination of the offender, shall be ascertained by and certified under the hands of such Justices, but the amount of the costs, charges and expenses attending any such prosecution, to be allowed and paid as aforesaid, shall not in any one case exceed the sum of eight dollars. **Certificate of expenses.**

28. Every such order of payment to any prosecutor or other person, after the amount thereof has been certified by the proper Justices of the Peace as aforesaid, shall be forthwith made out and and delivered by the said Justices or one of them, or by the Clerk of the Recorder's Court, Clerk of the County Court or Clerk of the Peace, as the case may be, unto such prosecutor or other person, upon such Clerk being paid his lawful fee for the same, and shall be made upon the officer to whom fines imposed under **By whom such expenses shall be paid.**

under the authority of this Act are required to be paid over in the district, city, county or union of counties in which the offence was committed, or was supposed to have been committed, who upon sight of every such order, shall forthwith pay to the person named therein, or to any other person duly authorized to receive the same on his behalf, out of any monies received by him under this Act, the money in such order mentioned, and shall be allowed the same in his accounts of such moneys.

Con. Stat. cap. 106, repealed. Exception.

29. The Act chapter one hundred and six of the Consolidated Statutes of Canada is hereby repealed, except as to cases pending under it at the time of the coming into force of this Act, and as to all sentences pronounced and punishments awarded under it, as regards all which this Act shall be construed as a re-enactment of the said Act with the amendments hereby made and not as a new law.

Commencement of this Act.

30. This Act shall commence and take effect on the first day of January, in the year of Our Lord one thousand eight hundred and seventy.

CAP. XXXIV.

An Act respecting Juvenile Offenders within the Province of Quebec.

[*Assented to* 22*nd June*, 1869.]

Preamble.

WHEREAS the Legislature of the Province of Quebec, during its now last Session, passed an Act making certain provisions for the establishment of Certified Reformatory Schools, and the law respecting prisons for young offenders requires to be amended so as to meet the provisions of the said Act: Therefore, Her Majesty by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

Part Cap. 107, of Con. Stat. Can. repealed.

1. In so far as respects the Province of Quebec, the sections five, six, seven, eight, nine, ten, eleven and twelve, of the chapter one hundred and seven of the Consolidated Statutes of Canada, intituled: *An Act respecting Prisons for young Offenders*, are hereby repealed, except as respects persons under sentence when this Act comes into force.

Offenders under 16 years may be sent to Reformatory Schools.

2. Whenever after the passing of this Act, any person apparently under the age of sixteen years is convicted before any Court of Criminal Jurisdiction or before any Judge of the Sessions of the Peace, Recorder, District or Police Magistrate, of any offence for which he would be liable to imprisonment, he may be sentenced on such conviction, to be detained in a Certified Reformatory School for any term not less than two years, nor more than five years,

years, or he may be sentenced to be first imprisoned in the Common Gaol for a period not in any case exceeding three months, and at the expiration of his sentence to be sent to a Certified Reformatory School, and to be there detained for a period of not less than two years, and not more than five years.

3. The Lieutenant-Governor may at any time, in his discretion, order that any offender detained in such reformatory school under a summary conviction be discharged. Power to discharge.

4. The Lieutenant-Governor may at any time, on the report of one of the Inspectors of Prisons for the Province of Quebec, order any offender undergoing sentence in any Certified Reformatory School, on a conviction for felony, to be removed as incorrigible; and in any such case the offender shall be imprisoned in the Penitentiary for the remainder of the term of his sentence. Removal of incorrigibles.

5. Any person apparently under the age of sixteen years, arrested on a charge of having committed any offence not capital, shall not while awaiting trial for such offence, be detained in any common Gaol, if there be a Certified Reformatory School within three miles of such Gaol, but shall be detained in such Reformatory School while awaiting trial; and if there be more than one such School within such distance, the person so charged shall be detained in that one of them which is conducted the most nearly in accordance with the religious belief to which his parents belong, or in which he has been educated. Detention of offenders under 16 years previous to trial.

6. If any Offender detained in a Certified Reformatory School, willfully neglects or willfully refuses to conform to the rules thereof, he shall, upon summary conviction before a Justice or Magistrate having jurisdiction in the place or district where the school is situate, be imprisoned with hard labor, for any term not exceeding three months; and at the expiration of the term of his imprisonment, he shall, by and at the expense of the managers of the school, be brought back to the school from which he was taken, there to be detained during a period equal to so much of his period of detention as remained unexpired at the time of his being sent to the prison. Punishment of persons breaking the Rules of Reformatory Schools.

7. If any offender sentenced to be detained in a Certified Reformatory School, escapes therefrom, he may at any time before the expiration of his period of detention, be apprehended without warrant, and if the managers of the school think fit, but not otherwise, may, (any other Act to the contrary notwithstanding) be then brought before a Justice or Magistrate having jurisdiction in the place or district where he is found, or in the place or district where the school from which he escaped is situate; and he shall thereupon be liable, on summary conviction before such a Justice or Magistrate, to be imprisoned with hard labor, for any term not exceeding three months; and at the expiration of such term he shall, by and at the expense of the managers of the school, Apprehension of offenders escaping from such Schools.

be

be brought back to the school from which he escaped, there to be detained during a period equal to so much of his period of detention as remained unexpired at the time of his escaping.

Punishment of persons aiding in escape, &c.

8. Every person who commits any of the following offences, that is to say:

First—Knowingly assists, directly or indirectly, any offender detained in a Certified Reformatory School, to escape from the school;

Second—Directly or indirectly induces such an offender to escape from the school;

Harbouring persons escaping.

Third—Knowingly harbours, conceals or prevents from returning to the school, or assists in harbouring, concealing or preventing from returning to the school any offender who has escaped from a Certified Reformatory School, shall, on summary conviction before two Justices, or any Judge of the Sessions of the Peace, Recorder, Police or District Magistrate, be liable to a penalty not exceeding eighty dollars, or at the discretion of the Justices or other functionary before whom he is convicted, to be imprisoned for any term not exceeding two months, with or without hard labor.

A certain Reformatory School recognized.

9. The Reformatory Prison at present in use in the Province of Quebec, shall, so long as it is used for that purpose, be held to be a Certified Reformatory School for the purposes of this Act.

Act to apply only to Quebec, &c.

10. This Act shall apply only to the Province of Quebec, and any Act relating to criminal law or procedure passed during the present or the now last Session of Parliament, shall be construed subject to this Act, and so much thereof as may be inconsistent with this Act, shall have no effect as respects the Province of Quebec.

CAP. XXXV.

An Act for the more speedy trial, in certain cases, of persons charged with felonies and misdemeanors, in the Provinces of Ontario and Quebec.

[*Assented to 22nd June*, 1869.]

Preamble.

HER MAJESTY, by and with the advice and consent of the Senate and House of Commons, enacts as follows:

Certain offenders may, by their own consent, be tried by a Judge only.

1. Any person committed to a jail for trial on a charge of being guilty of any offence for which he may be tried at a Court of General Sessions of the Peace, may, with his own consent, of which consent an entry shall then be made of record, and subject to the provisions

provisions hereinafter made, be tried out of Sessions, and if convicted, may be sentenced by the Judge.

2. It shall be the duty of every Sheriff within twenty-four hours after any prisoner charged as aforesaid is committed to jail for trial, to notify the Judge in writing that such prisoner is so confined, stating his name and the nature of the charge preferred against him, whereupon with as little delay as possible, such Judge shall cause the prisoner to be brought up before him.

Duty of Sheriff having a prisoner so triable.

3. Having obtained the depositions on which the prisoner was so committed, the Judge shall state to him,—

Statement to be made to prisoner by Judge.

1. That he is charged with the offence, describing it;

2. That the prisoner has his option to be forthwith tried before such Judge without the intervention of a Jury, or to remain untried until the next sittings of such sessions or of a Court of Oyer and Terminer, or, in Quebec, of any Court having criminal jurisdiction;

3. If the prisoner demands a trial by Jury, the Judge shall remand him to jail; but if he consents to be tried by the Judge without a Jury, the County Attorney or Clerk of the Peace shall draw up a Record of the proceedings as nearly as may be in one of the forms in the Schedules A and B to this Act; if upon being arraigned upon the charge, the prisoner pleads guilty, such plea shall be entered in the Record, and the Judge shall pass the sentence of the law on such prisoner, which shall have the same force and effect as if passed at any Court of General Sessions of the Peace.

If prisoner objects—or consents.

If he pleads guilty.

4. If the prisoner upon being so arraigned and consenting as aforesaid pleads not guilty, the Judge shall appoint an early day, or the same day, for his trial, and it shall be the duty of the County Attorney or Clerk of the Peace to subpœna the witnesses named in the depositions, or such of them, and such other witnesses as he may think requisite to prove the charge, to attend at the time appointed for such trial, and the prisoner being ready, the Judge shall proceed to try him, and if he is found guilty, sentence shall be passed as in the last preceding section mentioned, but if he is found not guilty, the Judge shall immediately discharge him from custody, so far as respects the charge in question.

If he pleads not guilty.

Trial, and conviction or discharge.

5. The Judge sitting on any such trial for all the purposes thereof and proceedings connected therewith or relating thereto, is hereby constituted a Court of Record, and the record in any such case shall be filed among the records of the Court of General Sessions of the Peace, as indictments are, and as part of such records.

To be a Court of Record.

Witnesses summoned must attend.

6. Any witness, whether on behalf of the prisoner or against him, duly summoned or subpœnaed to attend and give evidence before such Judge sitting on any such trial on the day appointed for the same shall be bound to attend, and remain in attendance throughout the whole trial, and in case he fails so to attend, he shall be held guilty of contempt of Court, and he may be proceeded against therefor accordingly.

Proceedings against witnesses failing to attend when summoned.

7. Upon proof to the satisfaction of the Judge of the service of subpœna upon any witness who fails to attend before him as required by such subpœna and such Judge being satisfied that the presence of such witness before him is indispensable to the ends of Justice, he may by his Warrant cause the said witness to be apprehended and forthwith brought before him to give evidence as required by such subpœna, and to answer for his disregard of the same, and such witness may be detained on such warrant before the said Judge or in the Common Gaol with a view to secure his presence as a witness or in the discretion of the Judge, such witness may be released on recognizance with or without sureties conditioned for his appearance to give evidence as therein mentioned, and to answer for his default in not attending upon the said subpœna as for a contempt; the Judge may in a summary manner examine into and dispose of the charge of contempt against the said witness, who if found guilty thereof may be fined or imprisoned or both, such fine not to exceed one hundred dollars, and such imprisonment to be in the Common Jail, with or without hard labour, and not to exceed the term of ninety days; the said Warrant may be in the Form "C," and the conviction for contempt in the Form "D," to this Act, and shall be authority to the persons and officers therein required to act, to do as therein they are respectively directed.

By whom the powers given by this Act may be exercised.

8. All the powers and duties hereby conferred and imposed upon the Judge, shall be exercised and performed in the Province of Ontario by any County Judge, junior or Deputy Judge, authorized to act as Chairman of the General Sessions of the Peace, and in the Province of Quebec, in any District wherein there is a Judge of the Sessions, by such Judge of Sessions, and in any District wherein there is no Judge of Sessions but wherein there is a District Magistrate, by such District Magistrate, and in any District wherein there is neither a Judge of Sessions nor a District Magistrate, by the Sheriff of such District.

Extent of Act.

9. This Act shall apply only to the Provinces of Ontario and Quebec.

SCHEDULE

SCHEDULE A.

Form of Record when the Prisoner pleads Not Guilty.

Province of
County *or* District of
to wit: } Be it remembered that A. B. being a prisoner in the Jail of the said County *or* District, committed for trial on a charge of having on day of 186 , feloniously stolen, &c., (*one cow, the property of C. D.*, or *as the case may be, stating briefly the offence*), and being brought before me, (*describe the Judge*) on the day of 186 , and asked by me if he consented to be tried before me without the intervention of a Jury, consented to be so tried; and that upon the day of 186 , the said A. B. being again brought before me for trial, and declaring himself ready, was arraigned upon the said charge and pleaded not guilty; and after hearing the evidence adduced as well in support of the said charge as for the prisoner's defence (*or as the case may be*) I find him to be guilty of the offence with which he is charged as aforesaid, and I accordingly sentence him to be (*here insert such sentence as the law allows and the Judge thinks right,*) *or* I find him not guilty of the offence with which he is charged, and discharge him accordingly. Witness my hand at in the County (*or* District) of , this day of 186 .

O. K.
Signature of Judge.

SCHEDULE B.

Form of Record when the Prisoner pleads Guilty.

Province of
County (*or* District) of
To wit: } Be it remembered that A. B. being a prisoner in the Jail of the said County, (*or* District), on a charge of having on the day of 186 , feloniously stolen, &c., (*one cow the property of, or as the case may be, stating briefly the offence,*) and being brought before me (*describe the Judge*) on the day of 186 , and asked by me if he consented to be tried before me without the intervention of a jury, consented to be so tried: and that the said A. B. being then arraigned upon the said charge, he pleaded guilty thereof, whereupon I sentence the said A. B. to be (*here insert such sentence as the law allows and the Judge thinks right.*) Witness my hand this day of 186 .

O. K.
Signature of Judge.

SCHEDULE

SCHEDULE C.

(L.S). Canada,
Province of
County (*or* District) (as the case may be) of
, to wit:

To all or any of the Constables or other Peace Officers in the said (County (*or* District) as the case may be of

Whereas it having been made to appear before me, that E. F., in the said County (*or* District) (*or as the case may be,*) was likely to give material evidence on behalf of the prosecution or defence (*as the case may be*) on the trial of a certain charge of (as *larceny*) (*or as the case may be,*) against A. B., and that the said E. F., was duly subpœnaed or bound under recognizances to appear on the day of , 186, at in the said (County *or* District) (*as the case may be,*) at o'clock (forenoon *or* afternoon, *as the case may be,*) before me to testify what he should know concerning the said charge against the said E. F.

And whereas proof hath this day been made before me upon oath of such subpœna having been duly served upon the said E. F., or of the said E. F. having been duly bound in recognzances to appear before me, (*as the case may be*); And whereas the said E. F., hath neglected to appear at the trial and place appointed and no just excuse has been offered for such neglect; These are therefore to command you to take the said E. F., and to bring and have him forthwith before me, to testify what he shall know concerning the said charge against the said A. B., and also to answer his contempt for such neglect.

Given under my hand this day of in the year of Our Lord 186 .

J. S.,
Judge.

SCHEDULE D.

(L.S) Canada,
Province of
(County *or* District)
To wit:

Be it remembered that on the day of in the year of our Lord 186 , in the (County *or* District *as the case may be*) of E. F. is convicted before me, for that he the said E. F. did not attend before me to give evidence on the trial of a certain charge against one A. B. of larceny, (*or as the case may be*) although duly subpœnaed or bound by recognizance to appear and give evidence in that behalf (*as the case may be*) but made default therein, and hath not shewn before me any sufficient excuse for such default, and I adjudge the said E. F. for his said offence to be imprisoned in the Common Gaol of the (County *or* District) of at for the space of there to be kept at hard labor (*and in case a*

fine

fine is also intended to be imposed, then proceed.) And I also adjudge that the said E. F. do forthwith pay to and for the use of Her Majesty a fine of dollars, and in default of payment that the said fine with the costs of collection be levied by distress and sale of the goods and chattels of the said E. F. (*or in case a fine alone is imposed, then the clause for imprisonment will be omitted.*)

Given under my hand at in the said (County *or* District) of the day and year first above mentioned.

J. S.
Judge.

CAP. XXXVI.

An Act respecting the Criminal Law, and to repeal certain enactments therein mentioned.

[*Assented to 22nd June*, 1869.]

WHEREAS by the several Acts of the Parliament of Canada, passed in the now last Session and present Session thereof respectively, and mentioned in the Schedule A to this Act, divers Acts and parts of Acts and provisions of law, heretofore in force in the late Province of Canada, and in the Provinces of Nova Scotia and New Brunswick, have been assimilated, amended and consolidated, and it is expedient to provide for the repeal thereof, and of so much of any other Acts or provisions of law as may be contrary to or superseded by the said Acts mentioned in Schedule A; Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows: **Preamble.**

1. The Acts and parts of Acts mentioned in Schedule B hereunto annexed, are hereby repealed, as are also all other Acts and parts of Acts and provisions of law, contrary to or inconsistent with the Acts mentioned in Schedule A or any of them, subject to the following provisions: **Acts and enactments in Schedule B. repealed.**

Such repeal shall not extend to matters relating solely to subjects as to which the Provincial Legislatures have, under the British North America Act, 1867, exclusive powers of legislation, or to any enactment of any such Legislature for enforcing by fine, penalty or imprisonment any law in relation to any such subject as last aforesaid, or to any municipal By-law relating to any offence within the scope of the powers of the municipality: **Exception as to subjects under control of Local Legislatures.**

Such repeal shall not extend to any provision of any Act of the Parliament of Canada, creating, or providing for the punishment of, any offence against such Act, or for the proceedings for enforcing such provision,—or to any other Act or enactment not mentioned as repealed in Schedule B, and not contrary to the Acts mentioned **Not to affect certain Acts of the Dominion, or Acts making provision on the same subject as Acts in**

Schedule A., &c.

mentioned in Schedule A, or any of them, but making special provision for the punishment of any offence, or as to the proceedings for the prosecution and conviction of the offender, other than that made in the Acts in Schedule A or any of them for a like purpose;—but in any such case the offender may be indicted or otherwise proceeded against, and convicted (summarily or otherwise as the case may be,) and punished, either under any of the Acts mentioned in Schedule A, or any other Act of the Parliament of Canada, or under any such Act or enactment as aforesaid not mentioned as repealed in Schedule B:—

As to offences committed and things done prior to such repeal.

Every offence wholly or partly committed against any Act or enactment hereby repealed, prior to such repeal, shall be dealt with, inquired of, tried, determined and punished, and every penalty in respect of any such offence shall be recovered, in the same manner as if the said Acts and enactments had not been repealed; and every act duly done, and every Warrant and other instrument duly made or granted before such repeal, shall continue and be of the same force and effect as if the said Acts and enactments had not been repealed; and every right, liability, privilege and protection in respect of any matter or thing committed or done before such repeal, shall continue and be of the same force and effect as if the said Acts and enactments had not been repealed, and every action, prosecution or other proceeding commenced before such repeal, or thereafter commenced in respect of any such matter or thing, may be prosecuted, continued and defended as if such Acts and enactments had not been repealed.

As to crime of High Treason.

2. Nothing in any of the Acts mentioned in Schedule A shall affect the crime of High Treason, except only as respects cases punishable under the provisions of the *Act for the better security of the Crown and of the Government*, mentioned in the said Schedule.

Special provision as to peremptory challenges and warrants in New Brunswick.

3. The provisions in the Act respecting procedure in criminal cases and other matters relating to criminal law, as to the number of peremptory challenges allowed to prisoners in criminal cases, shall not apply to any trial to be had in the Province of New Brunswick, before the first day of January, in the year of Our Lord one thousand eight hundred and seventy-one; and until after the said day, a Warrant issued by a Justice of the Peace in the said Province, may as heretofore be executed in any part thereof, without being backed.

And as to seals to warrants, there and in other parts of Canada.

4. No provision in any of the Acts mentioned in the said Schedule A requiring any warrant or document issued or granted by any Justice of the Peace, to be under seal, shall apply to any such instrument or document issued or granted in the Province of New Brunswick before the day last aforesaid; and if in any such instrument or document issued in any Province in Canada at any time, it is stated, that the same is given under the hand and seal of any Justice signing it, such seal shall be presumed to have been affixed

affixed by him, and its absence shall not invalidate the instrument, or such Justice may at any time thereafter affix such seal with the same effect as if it had been affixed when such instrument was signed.

5. Notwithstanding any provision in any of the Acts mentioned in Schedule A, that any term of imprisonment less than two years shall be in some gaol or place of confinement other than the Penitentiary, any offender sentenced under any such Act before the day last aforesaid in New Brunswick or Nova Scotia, to imprisonment for a term less than two years, may in the discretion of the Court passing such sentence be sentenced to undergo such imprisonment in the Penitentiary of the Province where the sentence is passed, instead of being sentenced to undergo the same in any other gaol or place of confinement, and any such provision as first aforesaid, shall be construed subject to this section.

Special provision as to imprisonment in New Brunswick or Nova Scotia.

6. In all cases when a party who has entered into a recognizance under the Act *respecting the duties of Justices of the Peace out of Sessions, in relation to summary convictions and orders,* has failed to appear according to the condition of such recognizance, and his default has been certified by the Justice or Justices as therein provided, the proper Officer to whom the recognizance and certificate of default are to be transmitted in the Province of Ontario, shall be the Clerk of the Peace of the County for which such Justice or Justices are appointed or are acting, and the Court of General Sessions of the Peace for such County shall, at its then next sitting, order all such recognizances to be forfeited and estreated, and the same shall be enforced and collected in the same manner and subject to the same conditions as any fines, forfeitures or amercements imposed by or forfeited before such Court; and in the other Provinces of Canada, the "proper Officer" to whom any such recognizance and certificate shall be transmitted, shall be the Officer to whom like recognizances have been heretofore accustomed to be transmitted under the law in force before the coming into force of the said Act, and such recognizances shall be enforced and collected in the same manner as like recognizances have heretofore been.

As to the officers to whom recognizances are to be transmitted in Ontario and elsewhere.

7. No return purporting to be made by any Justice of the Peace under the Act last above cited, shall be vitiated by the fact of its including, by mistake, any convictions or orders had or made before him in any matter over which any Provincial Legislature has exclusive jurisdiction, or with respect to which he may have acted under the authority of any Provincial law.

As to returns by Justices of the Peace.

8. Any Judge of the Sessions of the Peace or any District Magistrate, in the Province of Quebec, shall in all cases have all the powers vested in two Justices of the Peace by any Act mentioned in Schedule A, or any other Act relating to Criminal law, in force in that Province.

Certain magistrates to have the powers of two Justices.

9.

When the repeal shall take effect.

9. The foregoing provisions of this Act, and the repeal of the Acts and enactments therein referred to, shall take effect on and after the first day of January, in the year of our Lord, one thousand eight hundred and seventy, and not before, except as to such of the said Acts and enactments as are contrary to or inconsistent with the Acts mentioned in Schedule A, as being passed in the now last Session of the Parliament of Canada, which shall be held to have been repealed from the time when the Act or Acts to or with which they are contrary or inconsistent, came into force.

How this Act shall be construed.

10. This Act shall be construed as having been passed after the Acts of the present Session mentioned in Schedule A, and as amending and explaining them.

SCHEDULE A.

ACTS OF THE PARLIAMENT OF CANADA.

Acts passed in the Session of 1867–8, 31*st Victoria.*

CHAPTER.	TITLE.
14	An Act to protect the inhabitants of Canada against lawless aggressions from subjects of foreign countries at peace with Her Majesty.
15	An Act to prevent the unlawful training of persons to the use of arms, and the practice of military evolutions; and to authorize Justices of the Peace to seize and detain arms collected or kept for purposes dangerous to the public peace.
47	An Act respecting the manufacture or importation of copper coins or tokens.
62	An Act respecting Harbor Police.
69	An Act for the better security of the Crown and of the Government.
70	An Act respecting Riots and Riotous Assemblies.
71	An Act respecting forgery, perjury and intimidation in connection with the Provincial Legislatures and their Acts.
72	An Act respecting accessories to and abettors of indictable offences.
73	An Act respecting Police of Canada.
74	An Act respecting persons in custody charged with high treason or felony.
75	An Act respecting penitentiaries and the Directors thereof and for other purposes.

Acts

Acts passed in the present Session of the Parliament of Canada.

An Act to remove doubts as to Legislation in Canada, regarding offences not wholly committed within its limits.

An Act respecting offences relating to the Coin.

An Act respecting Forgery.

An Act respecting offences against the Person.

An Act respecting Larceny and other similar offences.

An Act respecting malicious injuries to Property.

An Act respecting Perjury.

An Act for the better preservation of peace in the vicinity of Public Works.

An Act respecting certain offences relative to Her Majesty's Army and Navy.

An Act for the better protection of Her Majesty's Military and and Naval Stores.

An Act respecting Cruelty to Animals.

An Act respecting Vagrants.

An Act respecting Procedure in Criminal Cases and other matters relating to Criminal Law.

An Act respecting the duties of Justices of the Peace, out of sessions, in relation to persons charged with Indictable Offences.

An Act respecting the duties of Justices of the Peace, out of sessions, in relation to Summary Convictions and Orders.

An Act respecting the prompt and summary administration of criminal justice in certain cases.

An Act respecting the trial and punishment of Juvenile Offenders.

An Act respecting Juvenile Offenders within the Province of Quebec.

An Act for the more speedy trial in certain cases of persons charged with felonies and misdemeanors, in the Provinces of Ontario and Quebec.

SCHEDULE B.

ACTS OF THE LEGISLATURE OF THE LATE PROVINCE OF CANADA.

Consolidated Statutes of Canada.

Reference to Act.	TITLE OF ACT.	Extent of Repeal.
Chapter 30	An Act respecting the Sale of Intoxicating Liquors near Public Works.	The whole.
Chapter 90	An Act respecting Offences against the State.	The whole.
Chapter 91	An Act respecting Offences against the Person.	The whole.

SCHEDULE

SCHEDULE B.—*Continued.*

Reference to Act.	TITLE OF ACT.	Extent of Repeal.
Chapter 92	An Act respecting Offences against Person and Property.	The whole.
Chapter 93	An Act respecting Arson and other Malicious Injuries to Property.	The whole.
Chapter 94	An Act respecting Forgery.	The whole.
Chapter 96	An Act respecting Cruelty to Animals.	The whole.
Chapter 99	An Act respecting the Procedure in Criminal Cases.	The whole, except sections eighty-seven, ninety-seven, one hundred and twenty, and one hundred and twenty-one.
Chapter 102	An Act respecting the Duties of Justices of the Peace, out of Sessions, in relation to persons charged with Indictable Offences.	The whole, except section fifty-nine.
Chapter 103	An Act respecting the Duties of Justices of the Peace, out of Sessions, in relation to Summary Convictions and Orders.	The whole, except sections seventy-four, seventy-five, seventy-six, seventy-seven, seventy-eight, seventy-nine, eighty, eighty-one and eighty five.
Chapter 105	An Act respecting the prompt and summary administration of Criminal Justice in certain cases.	The whole, except sections thirty, thirty-one, thirty-two, and thirty three.
Chapter 106	An Act respecting the trial and punishment of Juvenile Offenders.	The whole, except sections six, seven, and eight.

SCHEDULE

SCHEDULE B.—*Continued.*

Acts passed since the Consolidation of the Statutes.

Reference to Act.	TITLE OF ACT.	Extent of Repeal.
23 V., c. 37	An Act for the further protection of Growing Timber.	The whole.
24 V., c. 7	An Act to amend the Law relating to the unlawful Administering of Poison.	The whole.
24 V., c. 10	An Act to prevent vexatious Indictments for certain Misdemeanors.	The whole.
24 V., c. 11	An Act to amend *the Prison and Asylum Inspection Act.*	The whole.
24 V., c. 12	An Act to amend the one hundred and eleventh chapter of the Consolidated Statutes of Canada, intituled: "An Act respecting the Provincial Penitentiary of Canada."	The whole.
24 V., c. 14	An Act to abolish the right of Courts of Quarter Sessions and Recorders' Courts to try Treasons and Capital Felonies.	The whole.
24 V., c. 15	An Act to amend the one hundred and second chapter of the Consolidated Statutes of Canada, intituled: "An Act respecting the duties of Justices of the Peace out of Sessions in relation to persons charged with Indictable Offences."	The whole.
24 V., c. 26	An Act to amend and consolidate the Laws respecting the Recorder's Court of the City of Quebec.	Section thirty-six.
27, 28 V., c. 19.	An Act to amend and consolidate the Law respecting Accessories to and Abettors of Indictable Offences, and for other purposes relative to the Criminal Law.	The whole.
29 V., c. 13	An Act for abolishing the Punishment of Death in certain cases.	The whole.
29 V., c. 14	An Act to provide more fully for the punishment of Offences against the Person, in respect to the crime of Kidnapping.	The whole.
29, 30 V., c. 5	An Act to prevent the unlawful training of persons to the use of arms, and to practice military evolutions or exercises; and to authorize Justices of the Peace to seize and detain arms collected or kept for purposes dangerous to the public peace.	The whole.
29, 30 V., c. 121	An Act to incorporate the Canada Vine Growers' Association.	Section sixteen.

SCHEDULE

SCHEDULE B.—*Continued.*

Consolidated Statutes for Upper Canada.

Reference to Act.	TITLE OF ACT.	Extent of Repeal.
Chapter 13	An Act respecting the Court of Error and Appeal.	So much as is repealed by or inconsistent with the Act of this Session, respecting Procedure in Criminal cases, and other matters relating to Criminal Law.
Chapter 31	An Act respecting Jurors and Juries.	Sections ninety-nine and one hundred.
Chapter 32	An Act respecting Witnesses and Evidence.	Sections three and four, as to Criminal cases only.
Chapter 97	An Act relating to High Treason, to Tumults and Riotous Assemblies and to other offences.	The whole.
Chapter 99	An Act to prevent the unlawful training of persons in military evolutions and the use of fire arms; and to authorize the seizure of fire arms collected for purposes dangerous to the public peace.	The whole except section three.
Chapter 100	An Act for the punishment of any persons who seduce soldiers or sailors to desert from Her Majesty's service.	The whole.
Chapter 101	An Act respecting Forgery and Perjury in certain cases.	The whole, except section two.
Chapter 108	An Act respecting prosecutions in cases of Misdemeanor.	Section three.
Chapter 110	An Act to allow to any person indicted a copy of the indictment.	The whole.
Chapter 111	An Act respecting amendments at trial.	The whole.
Chapter 113	An Act respecting new trials and appeals, and Writs of Error in criminal cases in Upper Canada.	The whole except sections five, sixteen and seventeen.

SCHEDULE

SCHEDULE B.—*Continued.*

Reference to Act.	TITLE OF ACT.	Extent of Repeal.
Chapter 115	An Act respecting the punishment of certain offences, and the commuting of sentence of death in certain cases.	The whole.
Chapter 116	An Act respecting corruption of blood.	The whole.
Chapter 124	An Act respecting the Return of Convictions and Fines by Justices of the Peace and of Fines levied by Sheriffs.	The whole, except section seven.

Acts passed since the Consolidation of the said Statutes.

29, 30 V., c. 41	An Act to amend the Law of Crown and Criminal Procedure and Evidence at Trial in Upper Canada.	The whole, so far as regards criminal procedure only.
29, 30 V., c. 44	An Act respecting Persons in custody charged with High Treason or Felony.	The whole.
29, 30 Vict., c. 50	An Act to amend the Law respecting Appeals in cases of Summary Convictions, and Returns thereof by Justices of the Peace in Upper Canada.	The whole.

Consolidated Statutes for Lower Canada.

Chapter 12	An Act respecting the Desertion of Soldiers.	The whole.
Chapter 13	An Act respecting Arms and Munitions of War.	The whole.
Chapter 77	An Act respecting the Court of Queen's Bench.	Section sixty-three.
Chapter 84	An Act respecting the selecting and summoning of Jurors.	Section thirty-three.
Chapter 98	An Act respecting Appeals from the decisions of Justices of the Peace in Summary Convictions.	Sections one and two.
Chapter 105	An Act respecting certain matters connected with the Administration of Justice in Criminal Matters.	Sections one, three, four and five.

SCHEDULE

SCHEDULE B.—*Continued.*

ACTS OF THE LEGISLATURE OF THE PROVINCE OF NEW BRUNSWICK.

Revised Statutes—Part IV.

Reference to Act.	TITLE OF ACT.	Extent of Repeal.
Chapter 138	Of Summary Convictions before Justices.	The whole, except section twenty-two, which shall apply to the new Summary Convictions Act.
Chapter 147	Of Offences against the Public Peace.	Sections one, two, three, four and five.
Chapter 148	Of Offences against the Administration of Justice.	The whole.
Chapter 149	Of Homicide and other Offences against the Person.	The whole.
Chapter 150	Of Offences against the Habitation.	The whole.
Chapter 151	Of Fraudulent Appropriations.	The whole.
Chapter 152	Of Forgery and Offences relating to the Coin.	The whole.
Chapter 153	Of Malicious Injuries to Property.	The whole, except section sixteen.
Chapter 154	Of other Felonies.	The whole.
Chapter 155	Of the Definition of Terms and Explanations.	The whole.
Chapter 156	Of Proceedings before Indictment.	The whole, except sections seventeen, eighteen, twenty and twenty-two.
Chapter 158	Of Proceedings on Indictment.	The whole except sections three and twenty-three
Chapter 159	Of Trial.	The whole except sections ten, twenty-two, twenty-three, twenty-four, twenty-

SCHEDULE B.—*Continued.*

Reference to Act.	TITLE OF ACT.	Extent of Repeal.
		five, twenty-six, and so much of section twenty-seven as respects the appropriation of the fine in cases of common assault.
Chapter 160	Of Error, Punishment and Expenses.	Sections two, three, four, five, six, seven and thirteen.
The Schedules to Part IV.	....	The whole, except Schedule U.

Acts passed since the Revision of the Statutes.

21 V., (1858) c. 22	An Act in amendment of the Criminal Law.	The whole, except sections three and five.
23 V., (1860) c. 32	An Act relating to Procedure in Criminal Cases.	Sections three and five.
23 V., (1860) c. 33	An Act in amendment of the Law relating to Summary Convictions.	The whole.
23 V., (1860) c. 34	An Act to amend the Law relating to False Pretences.	The whole.
24 V., (1861) c. 10	An Act to prevent the carrying of Deadly Weapons about the Person.	The whole.
25 V., (1862) c. 10	An Act to amend the Law relating to Offences against the Person.	The whole.
25 V., (1862) c. 21	An Act for taking away the Punishment of Death in certain cases, and substituting other Punishments in lieu thereof.	The whole.
27 V., (1864) c. 4	An Act further to amend the Law relating to Offences against the Person.	The whole.
27 V., (1864) c. 6	An Act relating to Larceny and other similar Offences.	The whole.

SCHEDULE

SCHEDULE B.—*Continued.*

Reference to Act.	TITLE OF ACT.	Extent of Repeal.
27 V., (1864) c. 8	An Act relating to the issuing of Warrants by Justices of the Peace, and in aid of Police Officers and Constables in the execution of their duties.	Section one.
30 V., (1866) c. 9	An Act respecting Offences relating to the Army and Navy.	The whole.

ACTS OF THE LEGISLATURE OF THE PROVINCE OF NOVA SCOTIA.

Revised Statutes—Third Series—Parts III and IV.

Chapter 136	Of Juries.	Section fifty-one, and section fifty-seven so far as regards criminal cases.
Chapter 156	Of Treason.	The whole.
Chapter 157	Of Offences relating to the Army and Navy.	The whole.
Chapter 159	Of Offences against Religion.	Sections one and three.
Chapter 161	Of Offences against the Law of Marriage.	Sections one and two.
Chapter 162	Of Offences against the Public Peace.	Sections one, two, three and four.
Chapter 163	Of Offences against the Administration of Justice.	The whole.
Chapter 164	Of Offences against the Person.	The whole.
Chapter 166	Of Offences against the Habitation.	The whole.
Chapter 167	Of Fraudulent Appropriations.	The whole.
Chapter 168	Of Forgery and Offences relating to the Coin.	The whole.
Chapter 169	Of Malicious Injuries to Property.	The whole.
Chapter 170	Of the Definition of Terms in this Title.	The whole.
Chapter 171	Of the Administration of Criminal Justice in the Superior Court.	The whole, except sections fifty-nine, sixty, sixty-one, sixty-two, sixty-three, sixty-four, sixty-

SCHEDULE

SCHEDULE B.—*Continued.*

Reference to Act.	TITLE OF ACT.	Extent of Repeal.
		five, sixty-six, sixty-seven, seventy-five, eighty-six, eighty-seven, eighty-eight, eighty-nine, ninety, ninety one, ninety-four, ninety-five, ninety-six, ninety-seven, ninety-eight, ninety-nine, one hundred, one hundred and one, one hundred and two, one hundred and three, and the schedule to the said chapter.
Chapter 172	Of the Duties of Justices of the Peace in Criminal Matters.	The whole.
	Acts passed since the Revision of the Statutes.	
27 V., (1864) c. 9	An Act in addition to Chapter 167 of the Bill for Revising and Consolidating the General Statutes of Nova Scotia, "Of Offences against the Person."	The whole.
29 V., (1866) c. 19	An Act in addition to, and to amend Chapter 169 of the Revised Statutes, "Of Malicious Injuries to Property."	The whole.
29 V., (1866) c. 37	An Act to provide for the seizure of Arms and Munitions of War.	The whole.
29 V., (1866) c. 38	An Act for the better security of the Crown and the Government of Nova Scotia against Treasonable and Seditious Practices and Attempts.	The whole.
30 V., (1867) c. 13	An Act to amend Chapter 157 of the Revised Statutes of Nova Scotia (third series) "Of Offences relating to the Army and Navy."	The whole.

CAP. XXXVII.

An Act respecting Contagious Diseases affecting Animals.

[*Assented to 22nd June*, 1869.]

Preamble.

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

Governor in Council may prohibit the importation of cattle, &c.

1. The Governor may, from time to time, by Order in Council, prohibit the importation or introduction into Canada, or any part thereof, or into any particular port or ports thereof, of cattle, sheep, horses, swine or other animals, either generally or from any place or places that may be named in such order, for such period or periods as he may deem to be necessary for the purpose of preventing the introduction of any contagious or infectious disorder among animals in Canada.

Governor in Council may establish a quarantine for cattle.

2. The Governor may, from time to time, by Order in Council, make such regulations for subjecting sheep, cattle, horses, swine or other animals to quarantine, or for causing the same to be destroyed upon their arrival in Canada, or for destroying any hay, straw, fodder or other article whereby it appears to him that contagion or infection may be conveyed, and generally may make such regulations with respect to the importation or introduction into Canada of animals, as he may consider to be necessary in order to prevent the introduction of any contagious or infectious disorders into Canada; and the Governor may also, by Order in Council, make such regulations as he may deem necessary for the keeping separate, treatment and disposal of and dealing generally with animals affected with contagious diseases, or suspected of being so affected, and for the prevention of the spread of contagious diseases.

Penalty of importing cattle, &c., contrary to any such Order in Council.

3. If any sheep, cattle, horse, swine or other animal, be imported or introduced, or attempted to be imported or introduced into Canada, contrary to the provisions of any Order made in pursuance of this Act, the same shall be forfeited and forthwith destroyed; and every person importing or introducing, or attempting to import or introduce any animal into Canada, contrary to the provisions of any such Order or regulation, shall be liable to a penalty of two hundred dollars for every animal so imported or introduced, or attempted to be imported or introduced by him.

Governor in Council may make certain regulations.

4. The Governor may, from time to time, by Order in Council, make such regulations as to him may seem necessary for the purpose of prohibiting or regulating the removal to or from such parts of or places in Canada as he may designate in such order or regulations, of sheep, cattle, horses, swine or other animals, or of meat, skins, hides, horns, hoofs or other parts of any animals, or of hay, straw, fodder or other articles likely to propagate infection; and also for the purpose of purifying any

any yard, stable, outhouse or other place, or any waggons, carts, carriages, cars or other vehicles, or any vessels; and also for the purpose of directing how any animals dying in a diseased state, or any animals, parts of animals, or other things seized under the provisions of this Act, are to be destroyed or otherwise disposed of, and also for the purpose of causing notices to be given of the appearance of any disorder among sheep, cattle, horses, swine or other animals, and to make any other orders or regulations for the purpose of giving effect to the provisions of this Act and again to revoke, alter or vary any such orders or regulations; and all provisions for any of the purposes aforesaid in any such Order in Council, contained shall have the like force and effect as if the same had been inserted in this Act; and every person offending against the same shall for each and every offence, forfeit and pay such sum, not exceeding one hundred dollars as the Governor may, in any case, direct to be forfeited and paid for contravention thereof.

Effect of regulations and penalty for contravention.

5. Every Order in Council made under the authority of this Act shall, within fourteen days after the issuing thereof, be twice published in the *Canada Gazette;* and in case any such Order in Council, or any order or regulation in it applies to any particular part of or place in Canada, then such Order in Council shall also be twice published within fourteen days after the issuing thereof, in some newspaper or newspapers circulating in the county or counties within which each of such parts or places, or any portion or portions thereof respectively, is or are situated.

Orders in Council to be published in Canada Gazette.

6. In case any animal infected with or laboring under any contagious or infectious disorder, be exposed or offered for sale, or be brought or attempted to be brought for the purpose of being exposed or offered for sale in any market, fair or other open or public place where other animals are commonly exposed for sale, then, and in any such case, it shall be lawful for any clerk or inspector or other officer of such fair or market, or for any constable or policeman, or for any other person authorized by the mayor or reeve, or by any Justice of the Peace having jurisdiction in the place, or for any person authorized or appointed by the Governor, to seize the same, and to report the seizure to the mayor or reeve, or to any Justice of the Peace having jurisdiction in the place; and it shall be lawful for such mayor, reeve or justice, either to restore the same or to cause the same together with any pens, hurdles, troughs, litter, hay, straw or other articles, which he may judge likely to have been infected thereby, to be forthwith destroyed or otherwise disposed of, in such manner as he shall deem proper, or as may be directed, as hereinbefore provided; and any person bringing, or attempting to bring, any animal, into any such market, fair or open or public place as aforesaid, knowing such animal to be infected with or laboring under any contagious or infectious disorder shall, upon conviction thereof, forfeit and pay for each and every such offence a sum not exceeding one hundred dollars.

Penalty for bringing infected animals to market. They may be seized, &c.

7.

Penalty for keeping infected animals on any unenclosed land.

7. If any person turn out, keep or depasture any animal infected with or laboring under any contagious or infectious disorder, in or upon any forest, wood, moor, beach, marsh, common, waste land, open field, roadside or other undivided or unenclosed land, such person shall, on conviction thereof, forfeit and pay a sum not exceeding one hundred dollars.

Governor may define limits of Ports and appoint Inspectors.

8. The Governor in Council, may, from time to time, by order, define the limits of ports for the purposes of this Act, and appoint inspectors and other officers when deemed necessary.

Duty of Inspectors.

9. Inspectors or other officers appointed as aforesaid, on receiving information of the supposed existence of any contagious disease among animals, shall proceed to the place mentioned, with all practicable speed and execute and discharge the duties relevant to their functions pursuant to the regulations before mentioned and the instructions received by them.

Inspector may enter certain premises.

10. Any inspector or other officer appointed as aforesaid may, at any time, enter any common, common field, field, stable, cowshed or other premises within his district where he has reasonable ground for supposing that any animal affected with contagious disease is to be found, for the purpose of this Act, but shall, if required, state in writing, the grounds on which he has so entered:

Penalty for refusing admission.

2. If any person refuses admission to such inspector or officer acting under this Act, or regulations or orders passed in conformity with this Act, he shall be deemed guilty of an offence against this Act.

Certificate of Inspector to be evidence.

11. The certificate of an inspector or an officer as aforesaid to the effect that an animal is affected with a contagious disease shall, for the purposes of this Act, be *primâ facie* evidence in all our courts of justice and elsewhere of the matter certified.

Inspector may provisionally declare any place infected.

12. Where an inspector finds contagious disease of animals to exist within his district, he shall forthwith make a declaration thereof under his hand, and shall deliver a notice under his hand of such declaration to the occupier of the common, common field, field, stable, cowshed, or other premises where the disease is found, and thereupon the same, with all lands and buildings contiguous thereto in the same occupation, shall become and be an infected place, and the same shall be an infected place until the determination and declaration of the Governor relative thereto in this Act provided for:

Report to Minister of Agriculture and proceedings thereon.

2. Where an inspector makes such a declaration of the existence of contagious disease of animals, he shall with all practicable speed send a copy thereof to the Minister of Agriculture, and if it appears that contagious disease exists as declared by the inspector, the Governor, on the Report of the Minister of Agriculture, shall so determine

determine and declare, and shall prescribe the limits of the infected place; but if it appears that it did not exist as declared by the inspector, the Governor shall so determine and declare, and thereupon the place comprised in the inspector's declaration, or affected thereby shall cease to be an infected place.

13. The area of an infected place may in all cases of a declaration by the Governor, include with the common, common field, field, stable, cowshed, or other premises in which contagious disease has been found to exist, such an area as to the Governor seems requisite; with respect to the cities, the Governor may from time to time, by order, extend the limits of an infected place beyond the boundaries of the common, common field, field, stable, cowshed, farm, or premises where cattle plague is declared or found to exist. **Area of infected place, what to include. And as respects cities.**

14. The area of an infected place may in any case be described by reference to a map or plan deposited at some specified place, or by reference to townships, parishes, farms, or otherwise. **Map or plan.**

15. An order of the Governor, declaring a place to be an infected place shall be conclusive evidence in all courts of justice and elsewhere of the existence of disease and other matters in which the order proceeds. **Of what the order shall be evidence.**

16. Regulations and orders may be issued by the Governor, which shall have effect with respect to infected places to the following and such like purposes— **Governor may make regulations,—**

2. To prevent the removal of live animals, hide, skin, hair, offal of any animal, or any part thereof; the carcase or any remains of any animal; any dung of animal, and any hay, straw, litter, or other thing commonly used for or about animals, out of an infected place, without a license signed by an inspector or other officer appointed as aforesaid. **For what purposes.**

17. If any animal, hide, skin, hair, wool, horn, hoof, offal, carcase, meat, dung, hay, straw, litter, or other thing is moved in contravention of the rules of this Act with respect to infected places, any person moving the same, or causing the same to be moved, shall be deemed guilty of an offence against this Act. **Offences in connection with infected places.**

18. The provisions of this Act with respect to infected places shall not restrict the moving of any animal or thing by railway through an infected place, such animal or thing not being detained within the infected place. **Movement through infected places allowed.**

19. Any constable may proceed as follows: He may apprehend any person found committing an offence against the provisions of this Act with respect to infected places, and he shall take any person so apprehended, as soon as conveniently may be, before a Justice of the Peace to be examined and dealt with according to law; and a person **Powers and duties of constables, as to infected places.**

person so apprehended shall not be detained in custody by any constable without the order of a justice longer than is necessary for bringing him before a justice, or than twenty-four hours at longest; he may require that any animal or thing moved out of an infected place in contravention of those provisions be forthwith taken back within the limits of that place, and may enforce and execute such requisition.

How places shall cease to be deemed infected.

20. The Governor may, at any time, by order, declare any place to be free from contagious disease; and thereupon, as from the time specified in this behalf in the order of the Governor, the place shall cease to be an infected place.

Local orders superseded.

21. An order of the Governor relative to an infected place shall supersede any order of a local authority inconsistent with it.

Inspector may give notice to occupiers of lands, &c., adjoining infected places.

22. Where, under this Act, an inspector makes a declaration which constitutes a place an infected place, he may also, if the circumstances of the case appear to him so to require, deliver a notice under his hand of such declaration to the occupiers of all lands and buildings adjoining thereto, any part whereof respectively lies within one mile of the boundaries of the infected place in any direction, and thereupon the provisions of this Act with respect to infected places shall apply and have effect to and in respect of those lands and buildings as if the same were actually within the limits of the infected place.

Effect of notice.

Penalty for entering an infected place in contravention of notice.

23. Where a person having cattle in his possession or keeping within the district wherein contagious disease exists, affixes at the entrance to a building or enclosed place in which such cattle are kept, a notice forbidding persons to enter into that building or place without his permission, then, if any person not having a right of entry or way into that building or place, enters into the same, or any part thereof, in contravention to the notice, he shall for every such offence be liable to a penalty not exceeding twenty dollars.

Duty of common carriers with respect to animals.

24. Every steamboat company, railway company and other company, and every person carrying animals for hire to or in Canada, shall thoroughly cleanse and disinfect, in such manner as the Governor may from time to time by order in Council direct, all steamers, vessels, boats, pens, carriages, trucks, horse-boxes, and vehicles used by such company or person for the carrying of animals:

Penalty for contravention.

2. If any company or person on any occassion fails to comply with the requirements of any such order in Council, such company or person shall, on every such occassion, be deemed guilty of an offence against this Act.

Power of Inspector to enter vessels.

25. An inspector, or any officers authorized to execute this Act, may at all times enter on board any steamer, vessel or boat in respect whereof he has reasonable grounds for supposing that any company

company or person has failed to comply with the requirements of any such order, and on premises where he has reasonable grounds for supposing that any pen, carriage, car, vessel, truck, horse-box, or vehicle, in respect whereof any company or person has on any occasion so failed is to be found, and if any company or person refuses admission to an inspector or other officer acting under this section, such company or person shall be deemed guilty of an offence against this Act.

26. The Governor in Council may, notwithstanding any thing in this Act, reserve for experimental treatment, any animal ordered to be slaughtered under this Act. Animals may be reserved for experiment.

27. The Governor in Council may from time to time make such orders as they think expedient for all or any of the following purposes : Orders may be made by the Governor in Council for certain purposes.

For requiring notice of the appearance of any such disease among animals ;

For prohibiting or regulating the holding of markets, fairs, exhibitions, or sales of animals ;

For requiring proof of the fact that animals imported into or passing through Canada shall not, at the time of their embarkation, have been brought from any place or locality where any contagious or infectious disease may at the said time be in existence;

And generally any orders whatsoever which they think it expedient to make for the better execution of this Act, or for the purpose of in any manner preventing the spreading of contagious or infectious disease among animals, whether any such orders are of the same kind as the kinds enumerated in this section or not.

28. Every such order shall have the like force and effect as if it had been enacted by this Act. Force and effect of such order.

29. Any order, license, regulation, or other instrument made under this Act, or under any order of the Governor in Council thereunder, may be in writing or print, or partly in writing and partly in print. Orders, &c. may be in writing, &c.

30. An order or regulation made or issued under this Act or under any order of the Governor in Council, may be proved as follows : Proofs of Order.

By the production of a copy of a newspaper containing a copy of such order or regulation ; or

By the production of a printed or other copy of such order or regulation issued to an Inspector or other Officer as aforesaid:

And

And any such order or regulation shall, until the contrary is proved, be deemed to have been duly made and issued at the term at which it bears date.

Penalty for obstructing or impeding Inspector.

31. If any person obstructs or impedes an inspector or other officer acting in execution of this Act, or of any order of the Governor in Council thereunder, he, and every person aiding and assisting him therein, shall be guilty of an offence against this Act, and the inspector or other officer, or any person whom he calls to his assistance, may seize the offender and detain him until he can be conveniently taken before a justice, to be dealt with according to law.

Where offences against this Act, &c., shall be deemed to have been committed.

32. For the purposes of proceedings under this Act, or any order or regulation of the Governor in Council, every offence against this Act, or any such order or regulation, shall be deemed to have been committed, and every cause of complaint under this Act, or any such order or regulation, shall be deemed to have arisen, either in the place in which the same actually was committed or arose, or in any place in which the person charged or complained against happens to be.

Repeal of Act 29 Vict., cap. 15.

33. The Act of the Legislature of the late Province of Canada, passed in the twenty-ninth year of Her Majesty's Reign, Chapter fifteen, intituled: *An Act to provide against the introduction and spreading of disorders affecting certain animals*, is hereby repealed.

Short title.

34. When citing this Act it shall be sufficient to call it "The Animal Contagious Diseases Act, 1869."

CAP. XXXVIII.

An Act respecting inquiries and investigations into shipwrecks, and other matters.

[*Assented to 22nd June*, 1869.]

Preamble.

HER MAJESTY, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

Inquiry to be instituted in cases of wreck and casualty.

1. In any of the cases following, that is to say, whenever any ship is lost, abandoned or materially damaged on or near the Lake, River or Sea Coasts of Canada, or any island or place adjacent thereto;

Whenever any ship causes loss or material damage to any other ship on or near such coasts, island or place;

Whenever by reason of any casualty happening to or on board of any ship on or near such coasts, island or place, loss of life ensues;

Whenever

Whenever any such loss, abandonment, damage or casualty happens elsewhere, and any competent witnesses thereof arrive or are found at any place in Canada;

Who shall make it. The principal officer of Customs residing at or near the place where such loss, abandonment, damage or casualty occurred, if the same occurred on or near the coasts of Canada, or any island or place adjacent thereto, but if elsewhere, at or near the place where such witnesses as aforesaid arrive, or are found, or can be conveniently examined, or any other person appointed for the purpose by the Minister of Marine and Fisheries, may make enquiry respecting such loss, abandonment, damage or casualty.

Powers of Officers making inquiries. 2. Every such officer or person as aforesaid shall have the following powers, that is to say:

(1.) He may go on board any ship, and may inspect the same or any part thereof, or any of the machinery, boats, equipments, or articles on board thereof, the boarding or inspection of which appears to him to be requisite for the purpose of the inquiry he is required to make, not unnecessarily detaining any such ship from proceeding on any voyage;

(2.) He may enter and inspect any premises, the entry and inspection of which appears to him to be requisite for the purpose of the inquiry he is to make;

(3.) He may, by summons under his hand, require the attendance of all such persons as he thinks fit to call before him and examine for such purpose, and may require answers or returns to any inquiries he thinks fit to make;

(4.) He may require and enforce the production of all books, papers or documents which he considers important for such purpose;

(5.) He may administer oaths, or may, in lieu of requiring and administering an oath, require every person examined by him to make and subscribe a solemn affirmation or declaration of the truth of the statement made by him in his examination;

Wilfully false statements, perjury. And any wilfully false statement made by any such witness on oath or solemn affirmation, or in any such declaration shall be a misdemeanor, punishable in the same manner as wilful and corrupt perjury, and every witness so summoned shall be allowed such expenses as would be allowed to any witness attending on subpœna to give evidence before any Court of Record in the same Province of Canada, and in case of any dispute as to the amount of such expenses, the same shall be referred by such officer or person to the nearest Prothonotary, or clerk, or master, or other taxing officer of any Court of Record within the jurisdiction of which the attendance is required, who, on a request made to him for

Witness to be allowed expenses.

for that purpose under the hand of such officer or person shall ascertain and certify the proper amount of such expenses; and every person who refuses to attend as a witness before any such officer or person, after having been required so to do in the manner hereby directed, and after having had a tender made to him of the expenses, if any, to which he is entitled as aforesaid, or who refuses or neglects to make any answer, or to give any return, or to produce any document in his possession, or to make or subscribe any solemn affirmation or declaration which any such officer or person is hereby empowered to require, shall for each such offence incur a penalty not exceeding forty dollars; but no such witness shall be compelled to answer, or suffer any penalty for refusing to answer, any question by his answer to which he might render himself liable to a criminal prosecution.

Penalty for refusing to give evidence.

Proviso.

Penalty for obstructing officers in the execution of their duty.

3. Every person who wilfully impedes any such officer or person in the execution of his duty, whether on board any ship or elsewhere, shall incur a penalty not exceeding forty dollars, and may be seized and detained by such officer or person, or by any person whom he may call to his assistance, until such offender can be conveniently taken before some Justice of the Peace or other officer having proper jurisdiction.

Officer to report to the Minister of Marine and Fisheries.

4. Upon the conclusion of any such inquiry the officer or person who made the same shall send to the Minister of Marine and Fisheries for the information of the Governor General in Council, a report containing a full statement of the case, and of his opinion thereon, accompanied by such report of or extracts from the evidence and such observations, if any, as he may think fit.

Formal investigations in certain cases.

5. If it appears to the Governor in Council in any such case as aforesaid, either upon or without any such preliminary inquiry as aforesaid, or in any case of a charge of misconduct or incapacity brought by any person against any master or mate of any ship, that a formal investigation is requisite or expedient, the Governor in Council may nominate and appoint any competent person or persons to be a court or tribunal for the purpose of such investigation and such person or persons shall thereupon be such court or tribunal accordingly.

Powers of Court or Tribunal making investigation.

6. Such court or tribunal shall have the power of summoning before them any persons, and of requiring them to give evidence on oath, orally or in writing (or on solemn affirmation, if they be parties entitled to affirm in civil matters), and to produce such documents and things as such court or tribunal may deem requisite to the full investigation of the matters into which they are appointed to examine; and such court or tribunal shall have the same power to enforce the attendance of witnesses and to compel them to give evidence, as is vested in any Court of Law in civil cases; and any wilfully false statement made by any such witness on oath or solemn affirmation, shall be a misdemeanor punishable in the same manner as wilful and corrupt perjury; but no such witness

Proviso.

witness shall be compelled to answer any question by his answer to which he might render himself liable to a criminal prosecution; and the proceedings of such Court shall be assimilated as far as possible to those of ordinary Courts of Justice, with the like publicity.

7. And whereas it is enacted by the two hundred and forty-second section of the Act of the Imperial Parliament, passed in the session thereof held in the seventeenth and eighteenth years of Her Majesty's reign, chapter one hundred and four, intituled: *An Act to amend and consolidate the Acts relating to Merchant Shipping*, that the Board of Trade may suspend or cancel the certificate (whether of competency or service) of any master or mate of the Merchant Service, in certain cases, one of which cases, set forth in sub-section five of the said section, is as follows,—"If upon any investigation made by any court or tribunal authorized or hereafter to be authorized by the legislative authority of any British possession, to make inquiry into charges of incompetency or misconduct on the part of masters or mates of ships, or as to shipwrecks or other casualties affecting ships, a report is made by such court or tribunal to the effect that he has been guilty of any gross act of misconduct, drunkenness or tyranny, or that the loss or abandonment of, or serious damage to any ship, or loss of life, has been caused by his wrongful act or default, and such report is confirmed by the Governor or person administering the government of such possession;" and whereas it is further in effect enacted by the twenty-third section of the Act of the Imperial Parliament, passed in the session thereof held in the twenty-fifth and twenty-sixth years of Her Majesty's reign, Chapter sixty-three, that the power of cancelling or suspending the certificate of a master or mate conferred by the above cited two hundred and forty-second section on the Board of Trade, shall in future vest in and be exercised by this court or tribunal by which the case is investigated or tried: Be it hereby further enacted, that such court or tribunal authorized to be appointed by this Act, shall be held to be in all respects a court or tribunal under the hereinbefore cited sub-section of the Imperial Act hereinbefore first cited.

Section 242 of Imp. Act, 17 and 18 V. c. 104 recited.

Section 23 of Imp. Act 25 and 26 V., c. 63 recited.

Such a Court to be a Court under said Imp. Acts.

8. Every member of such court or tribunal so appointed as aforesaid, before entering upon his duties as such, shall take and subscribe an oath before one of Her Majesty's Justices of the Peace, well, faithfully and impartially, to execute the duties assigned to him by this Act.

Members to take oath of office.

9. Upon the conclusion of every such investigation or as soon afterwards as possible, the court or tribunal shall send to the Minister of Marine and Fisheries a full report upon the case investigated, together with the evidence, and their judgment and opinion thereon, and such observations, if any, as the court or tribunal may think fit to make, and shall state in open court the decision to which they have come with respect to cancelling or suspending

Report to Governor. Decision as to cancelling certificates to be stated in open Court.

any

any certificate, and every such decision, as well as every judgment of any such court or tribunal upon any case investigated, shall be subject to be confirmed or set aside by the Minister of Marine and Fisheries, whose decision and judgment thereon shall be final.

Masters or mates may be required to deliver up certificates to be held until close of investigation.

10. Any such court or tribunal may, if they think proper, require any master or mate possessing a certificate of competency or service, whose conduct is called in question, or appears to them to be likely to be called in question in the course of any investigation before them, to deliver such certificate to them, and they shall hold the certificate so delivered until the conclusion of the investigation, and shall then forward the same to the Minister of Marine and Fisheries; and if any master or mate fails so to deliver his certificate when so required, he shall incur a penalty not exceeding two hundred dollars.

Expenses how to be defrayed.

11. The Governor in Council may from time to time by warrant, order and direct that any expenses incurred, or to be incurred under the provisions of this Act be defrayed out of any moneys appropriated by Parliament for that purpose, or for the purpose of defraying unforeseen expenses.

Repeal of Acts.

Canada 27 and 28 V., c. 14 and 28 and 29, 30 V., c. 58, s.s. 1, 2, 3 and 6.

R. S. of N. S., cap. 76.

12. The following Act and parts of an Act are hereby repealed, namely the Act passed by the legislature of the late Province of Canada, in the session thereof held in the twenty-seventh and twenty-eighth years of Her Majesty's reign, Chapter fourteen *respecting investigations into Shipwrecks* and the first, second, third and sixth sections of the Act of the same Legislature passed in the session thereof held in the twenty-ninth and thirtieth years of Her Majesty's reign, Chapter fifty-eight *to extend the powers of the Trinity House of Quebec*; and Chapter seventy-six of the Revised Statutes of Nova Scotia (third series) *Of marine courts of inquiry*, is also repealed.

Saving of jurisdiction of Courts of Vice-Admiralty.

13. Nothing in this Act contained shall be taken to affect in any way the jurisdiction of any Vice Admiralty Court in Canada, howsoever the same may be acquired.

Interpretation.

14. In the construction and for the purposes of this Act, the word "ship" shall include every description of vessel used in navigation, not propelled by oars.

CAP. XXXIX.

An Act to amend the Act *respecting the inspection of steamboats, and for the greater safety of passengers by them.*

[*Assented to 22nd June,* 1869.]

Preamble.

In amendment of the Act *respecting the inspection of steamboats, and for the greater safety of passengers by them,* passed

passed by the Parliament of Canada in the thirty-first year of Her Majesty's reign, Chapter sixty-five: Her Majesty by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

1. So much of the sixth section of the said Act as provides that certificates granted by inspectors shall be according to the form in the Schedule of the said Act is hereby repealed; and such certificates shall be according to the form in the Schedule of this Act. **Part of sec. 6, of 31 V., c. 65, repealed.**

2. For and notwithstanding anything to the contrary contained in the sixteenth section of the said Act, the life boat on board of or attached to any steamboat on any of the voyages of such steamboat, may have air tight metallic compartments at the sides only, or at the ends only, or shall have them at both ends and sides, according to the directions of the Inspector by whom such steamboat was last inspected; and the nature of such directions shall be specified in the certificate by describing the life boat in accordance with their tenor. **Sec. 16 amended as to life-boats.**

3. For and notwithstanding anything to the contrary contained in the sixteenth section of the said Act, no steamboat employed chiefly in the carriage of freight, when carrying not more than twenty-five passengers shall be required to have on board or attached to such steamboat more than two boats in addition to a life boat. **Exception to sec. 16, of said Act, as to boats.**

4. For and notwithstanding anything to the contrary contained in the seventeenth section of the said Act, no steamboat employed chiefly in the carriage of freight, when carrying not more than sixty passengers, shall be required to be provided with or carry on board on any voyage, more than one life-preserver for each passenger, and one life-preserver for each of the crew, then on board of such steamboat. **Sec. 17 amended as to life preservers.**

5. Every steamboat to which the sixteenth section of the said Act applies, shall be provided with sufficient means for lowering from on board safely and expeditiously each boat required by the said section, as amended by this Act, to be on board of or attached to such steamboat, on each occasion on which such boats are so required to be on board of or attached to the same. **Certain steamboats to be provided with means of lowering boats.**

6. The printed paper mentioned in section twenty-four of the said Act shall be provided and filled up by the owner or master of the steamboat. **By whom printed paper to be filled up, under Sec. 24.**

7. Every steamboat not employed in the carriage of passengers, and every steamboat to which the sixteenth, seventeenth, eighteenth and nineteenth sections of the said Act do not apply, shall at all times when the crew thereof is on board, be provided with **Steamboats to have sufficient boats, &c., for the safety of the crew.**

and

and have on board or attached to such steamboat in some convenient place a good suitable and sufficient boat, or good, suitable and sufficient boats, in good condition and properly equipped, and provided with oars in sufficient number and other necessary tackle, and of sufficient capacity to carry all the crew of such steamboat, and with sufficient means for lowering such boat or boats from on board safely and expeditiously and also a life preserver for each one of the crew, and also a number, in due proportion to that of the crew, of good and sufficient fire buckets, of metal, leather, or other suitable material, axes and lanterns, to the satisfaction of the Inspector.

And life preservers and fire buckets.

Section 26 amended.

8. The twenty-sixth section of the said Act is hereby amended by repealing the words relating to the qualification of a second class engineer and substituting therefor the following words :

" A second class engineer to be qualified to take charge of any "steamboat, except a seagoing steamboat of more than five hun-" dred tons burthen, adapted to carry more than sixty passengers."

Certificates of certain engineers may be limited by endorsement.

9. The Board of steamboat inspection, or the chairman and any one member thereof, may by written and signed endorsement on the certificate or temporary certificate of any engineer except a first class engineer, limit the holder of such certificate to the charge of any class or classes of steamboat specified in such endorsement, for taking charge of which alone he may be deemed qualified by knowledge and experience ; and a certificate so endorsed shall not protect the holder thereof from the consequences of serving nor any person from the consequences of employing the holder thereof, as engineer on any steamboat of any class not mentioned in such endorsement, unless a special permission to take charge of a particular steamboat of another class is further endorsed on such certificate and signed by the chairman and by a member of the Board of Steamboat Inspection.

Inspector may demand production of registry.

10. Every Inspector of steamboats, duly appointed under the said Act, is hereby empowered to demand of the owner or master of any steamboat being inspected by him, the production of the certificate of registry of such steamboat ; and it shall thereupon be the duty of such owner or master to produce and exhibit the same to such inspector.

Penalty for contravention of Acts.

Inspector may detain steamer.

Collector not to grant clearance.

11. For every contravention in respect of any steamboat in the Dominion of Canada, on any one voyage or trip thereof, or in port, of any provision in this Act, or in the said Act as amended by this Act, the owner or master thereof shall incur a penalty of not more than two hundred nor less than forty dollars ; And Inspectors of steamboats, duly appointed under the said Act amended by this Act, are hereby empowered to detain any steamboat on board of which the provisions of this Act have not been fully complied with ; and in case any such Inspector gives notice in writing to any Collector of the Customs that any of the provisions of this Act

Act have not been fully complied with in respect to any steamboat, such Collector shall not grant any clearance for such steamboat, unless nor until he receives the certificate in writing of such Inspector, to the effect that such provisions have been fully complied with in respect to such steamboat.

12. The Schedule of the said Act is hereby repealed, and the following Schedule is hereby substituted. Schedule repealed, and new schedule substituted.

SCHEDULE.

Having examined the steamboat (*name*) of whereof are owners, and is master, on this day of A. D. 18 .

The particulars of her gross and register tonnage as shewn on her certificate of registry, being as follows :

	Tons.
Tonnage under tonnage deck....................................	
Houses on deck (*naming them*)................................	
Total gross tonnage..	
Deduct for engine room	
Register tonnage..	

I, (*Inspector's name*) do certify that she is in all respects staunch, seaworthy, and in good condition for navigation; that her engine, machinery, pumps and boilers are sufficient and suitable to be employed in the carriage of passengers, (*or*, as a tug-boat, *or*, as a freight-boat and in the carriage of not more than twenty-five (*or* sixty, *as the case may be*) passengers, *or*, as a ferry-boat, (*as the case may be*) without hazard to life, on the route for which placed, and that the boilers of such steamer can carry with safety from to pounds (*here insert number of pounds*) per square inch, and no more: and I further certify that the equipment of the vessel throughout, including (*here enumerate all or any of the following articles required to be included in the eqnipment of the steamer named in the certificate*, viz :) boats, life boats, life preservers, fire buckets, axes, lanterns and other things is in conformity with the provisions of the law: and I declare it to be my deliberate conviction, founded on the inspection I have made, that the said steamboat may be so employed in the waters hereinafter specified, without peril to life from any imperfections, or from materials, workmanship, or arrangements of the several parts, or from age or use, and that such steamboat is adapted to carry passengers. (*If the steamboat is certified as one to be employed as a tug-boat, or only as a freight-boat, the last nine words may be omitted.*) And I further certify that the said vessel is to run in the waters between (*here insert the places between which the vessel is to be employed in running.*)

CAP.

CAP. XL.

An Act to provide means for improving the Harbors and Channels at certain Ports in the Provinces of the Dominion.

[*Assented to 22nd June*, 1869.]

Preamble.

WHEREAS it is expedient to provide means for improving the Harbors and Channels and rendering the navigation more easy and safe, at the several Ports of Bathurst, Shippegan and Richebucto in the Province of New Brunswick, Mabou, Port Hood, Margaree, Chetécamp and Liverpool, in the Province of Nova Scotia, Amherst Harbor and House Harbor, in the Magdalen Islands, and the several Ports and Harbors between Cross Point and Cape Chat, both Ports inclusive, in the Bay of Chaleurs and the coast of Gaspé, all in the Province of Quebec, and the port of Chatham in the Province of Ontario; Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

Governor in Council may impose tonnage duties on vessels entering the ports mentioned in the preamble for the purposes therein also mentioned.

1. The Governor in Council, being satisfied that it is expedient to raise funds for the purposes mentioned in the preamble as regards any one or more of the Ports therein mentioned or referred to, may from time to time by a Proclamation issued under an order in Council and inserted in the "Canada Gazette," impose on each vessel entering any such Port named for the purpose in such Proclamation, such tonnage duty not exceeding ten cents per ton of the registered measurement of such vessel, as he may deem expedient; and may from time to time in like manner increase or decrease, repeal or re-impose such duty, within the limits aforesaid, with respect to any such Port or Ports; and any copy of the "Canada Gazette" purporting to be printed by the Queen's Printer, shall be *primâ facie* evidence of such Proclamation, and of its being duly issued and published under an order in Council made in pursuance of this Act.

How collected.

2. Any duty so imposed as aforesaid, shall be collected by the Collector of Customs at the Port at which it is payable, at the time of the entry of the vessel, which shall contain on the face of it the registered tonnage thereof; and no vessel shall be entered, or if entered shall be allowed to clear or to leave such Port without payment of such duty, and may be detained by the Collector until it is paid; but such duty shall only be payable once in each fiscal year, (commencing on the first day of July in each calendar year) on any vessel not exceeding one hundred tons register, and not more than twice in each fiscal year on any vessel exceeding one hundred tons, registered measurement, that is to say: on any vessel not exceeding one hundred tons register, the duty shall be payable on her first entry at such Port in any fiscal year, but not on any subsequent entry during the same; and on any vessel exceeding one hundred tons register, the duty shall be payable on her

Proviso: as to payment of such duty, not oftener than twice in each fiscal year.

her first, and on her second entry in any fiscal year, but not on any subsequent entry during the same.

3. The moneys received for such duties shall be accounted for and paid over by the Collector receiving them, to the Receiver-General, to form part of the Consolidated Revenue Fund, towards making good any sums which may be appropriated by Parliament for any of the works mentioned in the preamble, at the Port where such duties have been collected. How to be accounted and paid over.

4. Every such Collector shall, at the close of each quarter of the fiscal year, furnish the Minister of Marine and Fisheries with an account of the moneys collected by him under this Act during such quarter; and at the end of each fiscal year the said Minister shall make a report and statement of the sums collected at each Port, and those appropriated and expended (if any) for improvements thereat, during such year, and such report and statement shall be laid before Parliament, at its then next Session. Accounts to be sent to Minister of Marine and Fisheries.

CAP. XLI.

An Act to place all Canadian Vessels on an equal footing as regards Pilotage in the Port of Quebec, and for other purposes, respecting Pilotage.

[*Assented to 22nd June*, 1869.]

WHEREAS, by the Act of the Legislature of the late Province of Canada, passed in the Session held in the thirteenth and fourteenth years of Her Majesty's reign, chapter ninety-six, and the Act of the said Legislature, passed in the Session held in the fourteenth and fifteenth years of Her Majesty's reign, chapter one hundred and one, the exceptional privilege hereinafter mentioned is granted only to vessels belonging to the Province of Quebec, (then called Lower Canada,) and it is just and right that equal privileges should be extended to all vessels of like tonnage belonging to any Port in Canada: Therefore Her Majesty by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows: Preamble.

1. From and after the passing of this Act, nothing in the fifty-third, fifty-fourth or fifty-fifth Sections of the Act of the Legislature of the late Province of Canada, passed in the twelfth year of Her Majesty's reign, and intituled: *An Act to consolidate the laws relative to the powers and duties of the Trinity House of Quebec, and for other purposes*, shall extend or be construed to extend to any Master or other person in charge of any vessel of or under one hundred and twenty-five tons registered measurement, belonging to any Port in Canada, when bound to or from the Port of Quebec; from or to any port out of the Province of Quebec: Provided always, that whenever any such Master or person in charge Sections of Quebec Trinity House Act, obliging vessels to take Pilots, not to apply to Canadian vessels of not more than 125 tons. Proviso.

of

of any such vessel employs any person not belonging to his crew to pilot or guide his vessel, he shall employ a Branch Pilot for and below the Harbor of Quebec; provided also, that every Master or person in charge of any such vessel belonging to any Port in Canada, when navigating such vessel between the Port of Quebec and any Port out of the Province of Quebec, without a Pilot, shall as regards the conduct and management of such vessel within the Port of Quebec, have all the powers and duties which are by law or usage possessed by or imposed upon any Branch Pilot.

Proviso.

Like exemption to Canadian Government vessels, at all ports.

2. Every vessel belonging to the Government of Canada, and every vessel employed in the service thereof, and the Master of which is appointed by the Government, shall be and is hereby exempted from any obligation to take a Licensed or Branch Pilot in any port or place in Canada, or to pay any pilotage when a pilot is not employed; any thing in any Act or law to the contrary notwithstanding.

As to apprentice pilots whose term of apprenticeship has been interrupted.

3. Notwithstanding anything to the contrary contained in section twenty-one of the said Act, passed in the twelfth year of Her Majesty's Reign, if the period of apprenticeship of any apprentice has been interrupted for less than four months altogether, or on account of sickness, involuntary absence, or other legitimate cause, the Trinity House shall grant him, if found otherwise qualified, a branch as pilot, on proof that he has served a regular apprenticeship of seven years in all, provided he has made up for the time lost by such interruption by an additional period or additional periods of service after the lapse of seven years from the commencement of his apprenticeship, and has made four voyages to Europe as required by the said Act.

CAP. XLII.

An Act to amend the Act of the late Province of Canada twelfth Victoria Chapter one hundred and fourteen, *To consolidate the laws relative to the powers and duties of the Trinity House of Quebec, and for other purposes.*

[*Assented to 22nd June*, 1869.]

Preamble.

HER Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

Notice of any obstruction to the navigation of River St. Lawrence in Port of Quebec to be given to Trinity House of Quebec.

1 In case any vessel, or wreck, or other thing, sinks, or is lost in the River St. Lawrence, between the basin of Portneuf, inclusively, and an imaginary line drawn from the eastern anchorage ground off Barnaby Island, near the south shore, to the eastern anchorage ground under Cape Columbia on the north shore of the said river so as to obstruct the navigation of the said river, the master of such vessel or the owner or other person for the time

being

being in charge of such wreck or other thing, shall within forty eight hours after the occurrence of such obstruction, if it takes place within the limits of the Harbor of Quebec, that is to say, between St. Patrick's Hole, inclusively, and the mouth of the Cap-Rouge River, inclusively, and as soon as possible after the expiration of forty-eight hours from such occurrence, if it takes place beyond such limits, unless such obstruction have been already removed, send or give to the Trinity House of Quebec a notice in writing, describing the nature, and time, and place of the occurrence, and the situation of such obstruction :—under a penalty of not less than ten dollars and not more than forty dollars. Penalty.

2. Every such master or owner, or person in charge as aforesaid shall further, as soon as possible after, and at the latest within forty-eight hours after, the occurrence of such obstruction, unless the same have been sooner removed, place some proper and sufficient signal by day, and some sufficient light or lights by night to indicate the place or situation of such obstruction, and shall keep and maintain such signal by day, and light or lights by night continually displayed, to the satisfaction of the Trinity House of Quebec, until such obstruction is wholly removed. Situation of obstruction to be indicated, and how.

3. Any such master or owner or other person as aforesaid, failing or neglecting to comply with all or any of the provisions of the next preceding section shall be liable to a penalty of not less than five dollars nor more than ten dollars for every day or night during which such failure or neglect shall continue, over and above any sum which the Trinity House of Quebec may have expended, as it is hereby authorized to do, in causing such signal by day or light or lights by night, or both, to be placed as aforesaid and to be kept and maintained continually displayed as aforesaid, or only to be kept and maintained continually displayed as aforesaid, in consequence of the failure or neglect so to do of such master or owner or other person. Penalty for failure to keep situation of obstruction properly indicated.

4. All suits for penalties incurred under this Act shall be brought before the Trinity House of Quebec; and to all such suits, and the costs thereof, and the penalties recovered therein the rules of law with respect to all other suits for penalties before the said Trinity House, and the costs thereof, and the penalties recovered therein, shall apply. Suits for penalties to be brought before Trinity House.

5. Expenses incurred by the Trinity House of Quebec under the third section of this Act may be recovered by civil suit or action in any Court in Canada having jurisdiction in civil cases to the amount within the limits of whose jurisdiction the defendant is served with process. Recovery of expenses incurred by Trinity House.

6. Any owner of or other person having power to convey or dispose of any vessel, or wreck, or other thing forming such an obstruction as aforesaid, may at any time relieve and discharge himself of all further liability in respect of such obstruction by paying Owner of thing causing obstruction may relinquish the same to Trinity House.

paying or securing to the Trinity House of Quebec, to its satisfaction, the sum (if any) it may have expended in respect thereof under the provisions of the third section of this Act, and by making and signing a relinquishment in writing of all his interest in such vessel, wreck or other thing to the said Trinity House of Quebec; provided the said Trinity House be willing to accept the same.

Proviso.

Relinquishment to be presumed after fifteen days of neglect to comply with section 2.

7. After fifteen days have elapsed since the date of the occurrence of any such obstruction as aforesaid, without any compliance on the part of the master of the vessel or owner or other person for the time being in the charge of the wreck, or other thing causing such obstruction, with the requirements of the second section of this Act or since the date of his last compliance with such requirements, without such obstruction having been removed, and without such master or owner or other person having availed himself of the provisions of the next preceding section, the intention of the owner of such vessel, wreck or thing to relinquish all his interest therein to the Trinity House of Quebec shall be presumed.

Trinity House may take possession of obstruction and remove and dispose of the same.

8. In any case under either of the two next preceding sections, the Trinity House of Quebec may, if it sees fit, take possession of a vessel, wreck or other thing forming an obstruction to the navigation of the River St. Lawrence as aforesaid, and remove the same by any means in its power, and may dispose of the same in the same manner, and after the observance of the same formalities as are required by law in the case of things found in the River St. Lawrence within its jurisdiction, and not claimed, and may indemnify itself out of the proceeds of sale for all expenses incurred with respect to such vessel, wreck or other thing.

CAP. XLIII.

An Act to amend the Act twenty-third Victoria, Chapter one hundred and twenty-three, being an Act incorporating the Corporation of Pilots for and below the Harbour of Quebec.

Assented to 22nd June, 1869.]

Preamble.

Act of Canada, 23 V., c. 123.

WHEREAS the Corporation of Pilots for and below the Harbour of Quebec, have by their petition prayed that the Act of the Parliament of the late Province of Canada, twenty-third Victoria, Chapter one hundred and twenty-three, may be so amended as to provide that any pilot who shall have caused any damage or loss while acting in the execution of his duties shall alone be responsible therefor, and whereas the prayer of the petition is just: Therefore, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

1.

1. The Corporation constituted in virtue of the Act passed by the Parliament of the late Province of Canada, in the twenty-third year of Her Majesty's reign, and intituled: *An Act to incorporate the pilots for and below the Harbour of Quebec*, shall not hereafter be held responsible for the acts of any pilot while acting as such nor for any damages caused by any act, fault, or negligence on the part of such pilot; and all payments by such Corporation to the members thereof shall be made in monthly dividends, payable not less than six days after the said dividends shall have been declared; provided always, that full recourse shall remain against each such pilot individually for the whole amount of any damages by him caused, and that nothing in this Act contained shall extend to or affect liabilities incurred before the passing of this Act.

Corporation constituted by that Act, not liable hereafter for damages by individual pilots.

Proviso: not to affect individual liability or liability incurred before this Act.

2. The master of any vessel arriving in the Port of Quebec shall have the right to select, out of his turn, to pilot his vessel up the River St. Lawrence, any one of the Pilots on board of the Pilot Schooners which shall board his vessel on any of the stations established for providing ships with pilots, and every such pilot who shall refuse or neglect to pilot when so selected shall be subject to the same penalty as that imposed by section thirty-three of the said Act on pilots who refuse or neglect to pilot in their turn and recoverable in the same manner.

Master of vessel may select any pilot on board the schooner to pilot him.

3. Every pilot shall be bound to serve as such pilot whenever he shall be selected as provided by the thirty-second section of the said Act, and when not occupied as a pilot shall be bound to take his place on the roster or roll, either at Quebec or elsewhere, and be liable to be chosen and to serve whatever may have been the number of times he shall have previously served.

Pilots bound to serve when selected, under sec. 32 of the said Act.

CAP. XLIV.

An Act to amend the Acts respecting the improvement and management of the Harbor Quebec.

[*Assented to 22nd June*, 1869.]

WHEREAS the holders of Bonds of the Quebec Harbor Commissioners have, by their petition, prayed amongst other things, that for the reasons therein mentioned the property and assets of the Quebec Harbor Commissioners be transferred to them; and whereas it is expedient further to amend the Act passed by the Legislature of the late Province of Canada, twenty-second Victoria, Chapter thirty-two, (1858) intituled: *An Act to provide for the improvement and management of the Harbor of Quebec*, and the Acts amending the same: Therefore, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

Preamble.

1.

All the Commissioners to be elected by the bondholders.

1. The powers and rights conferred and the duties assigned to the Quebec Harbor Commissioners by the Acts above mentioned, shall be vested in and exercised by five Commissioners all of whom shall be elected by the holders of Bonds of the Quebec Harbor Commissioners, as hereinafter provided ; and such Commissioners so elected, are hereby substituted for and shall be held to be the Commissioners mentioned in the said Act.

How and when to be elected: 31 V. c. 79 to apply.

2. The said five Commissioners shall be elected at the time in each second year, for the period, and in the manner provided by the second and third sections of the Act of the Parliament of Canada, thirty-first Victoria, chapter seventy-nine and all the provisions of the said sections with respect to the votes of the Bondholders, the *quorum* at the meeting, and generally with respect to the election of Commissioners under the said Act shall apply to elections under this Act, except that the notice of the meeting for the election shall be given by the Secretery-Treasurer of the Harbor Commissioners for the time being ; provided always, that the next meeting of the Bondholders for the election of Commissioners, shall be held on the first Monday in September, in the present year 1869, and the right to vote at such election shall be established by the production of the bonds of the Commission.

Proviso: first election.

Present Commissioners to remain until replaced.

3. The present Commissioners shall continue to hold office as such until replaced by Commissioners elected under this Act, but the present Commissioners or any of them may be re-elected.

Sales of deep water lots.

4. The sale of any deep water lot forming part of the property vested in the Quebec Harbor Commisssioners, shall not be valid or effectual until sanctioned by the Governor in Council.

Property vested in Commissioners in trust not to be liable in execution.

5. The property vested in the Corporation of the Quebec Harbor Commissioners by the Acts above cited in trust as therein mentioned, and all other property now belonging to the said Corporation of the Quebec Harbor Commissioners, shall continue to be vested in the said Corporation as constituted by this Act, in trust for the holders of Bonds of the Quebec Harbor Commissioners, and for the other purposes in the said Acts mentioned, and shall not be liable for any debt or subject to execution or any other legal process based on any judgment or debt due or alleged to be due by the Corporation, except that nothing in this section contained shall affect or diminish any right of any existing creditor of the Corporation other than a Bondholder, or any right of any Bondholder founded on any judgment obtained, or on any suit pending, before the passing of this Act.

Exception.

Income to be held in trust for Bondholders, &c.

6. The dues, tolls, duties and other revenues and profits collected and received by the Commissioners shall also be held by the Corporation in trust for the said Bondholders, and for the other purposes in the said Acts mentioned, and shall after the payment of expenses of collection of the same and other prior charges authorized

authorized by law, be applied for the benefit of the Bondholders in such manner as the commissioners may from time to time appoint, but subject to the provisions hereinafter contained.

7. Upon a requisition to the chairman of the Commissioners signed by holders of bonds to the amount of not less than one hundred thousand dollars, the chairman shall, by advertisement published in French and English for four weeks at least, in the *Canada Gazette*, in the *Quebec Official Gazette*, and in at least two newspapers published in each of the cities of Quebec and Montreal, call a special meeting of the holders of bonds of the Quebec Harbor Commissioners to be held at Quebec; and at such meeting, any number of Bondholders present in person or by proxy who shall represent three fourths in value of the said Bonds, may resolve by their vote given at such meeting that the rate of interest payable on the said bonds shall be reduced and that a sinking fund shall be created to provide for the redemption of the said Bonds, and they may by such vote and resolution, fix the new rate of interest to be so paid, and the amount to be added annually in the sinking fund; and such vote and resolution being certified to the Commissioners by the Chairman and Secretary of the meeting (such Chairman and Secretary being respectively one of the Commissioners and the Secretary-Treasurer of the Commissioners) shall be binding on all the Bondholders and shall be acted upon by the said Commissioners; Provided always, that inasmuch as the bonds issued by the Commissioners, bear different rates of interest, such several rates shall all be reduced in like proportion, that is by an equal percentage on or aliquot part of each rate. Power of Bondholders at a special meeting to agree to a reduction of interest and a Sinking Fund.

8. So much of any of the Acts hereinbefore mentioned as is repugnant to or inconsistent with the provisions of this Act is hereby repealed. Repeal.

9. This Act shall be construed as one Act with the other Acts for the improvement and management of the Harbor of Quebec. Act how construed.

CAP. XLV.

An Act to alter the limits of the Counties of Joliette and Berthier for electoral purposes.

[*Assented to 22nd June*, 1869.]

WHEREAS it is expedient to change the limits of the Electoral Districts of the Counties of Joliette and Berthier, for electoral purposes, as respects certain portions of the parishes of St. Felix de Valois and St. Jean de Matha, in the Township of Brandon, in the County of Berthier: Therefore, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows: Preamble.

1.

Certain paragraphs of Sect. 1, Cap. 75 of Con. Stat. L. C. amended, as to the said Counties.

1. Subsections seventeen and twenty of the first Section of chapter seventy-five of the Consolidated Statutes for Lower Canada, intituled: *An Act respecting the division of Lower Canada into Counties—and the boundaries of certain Cities and Towns for the purposes of representation in the Legislature,* shall, so far as they relate to the election of Members of the Parliament of the Dominion of Canada, be read and construed as though no part of the said parishes of St. Felix de Valois and St. Jean de Matha were in the said township of Brandon, and as though the part of the said township of Brandon, which lies within the limits of the said parishes of St. Felix de Valois and St. Jean de Matha had been re-united and annexed to the County of Joliette for electoral purposes.

Repeal.

2. Any law or any part of any law inconsistent with this Act, is hereby repealed.

CAP. XLVI.

An Act to detach the Township of Doncaster from the County of Montcalm, and to attach it to the County of Terrebonne for electoral purposes.

[*Assented to 22nd June,* 1869.]

Preamble.

WHEREAS it is expedient, in so far as relates to the election of members of the House of Commons of Canada, to detach the Township of Doncaster from the County of Montcalm, and attach the same to the County of Terrebonne: Therefore, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

Doncaster detached from Montcalm and annexed to Terrebonne.

1. From and after the passing of this Act, the sixteenth subsection of section one of chapter seventy-five of the Consolidated Statutes for Lower Canada, intituled: *An Act respecting the division of Lower Canada into Counties, and the boundaries of certain cities and towns for the purpose of representation in the Legislature,* shall be read and construed, in so far as relates to the election of members of the House of Commons of Canada, as if the Township of Doncaster therein mentioned had never formed part of the County of Montcalm, and the said township, so detached from the County of Montcalm, shall be attached to the County of Terrebonne, for the electoral purposes hereinbefore set forth.

CAP.

CAP. XLVII.

An Act to amend the Act of Incorporation of the Board of Trade of the City of Toronto.

[*Assented to 22nd June*, 1869.]

WHEREAS the Board of Trade of the City of Toronto have by their petition requested that certain amendments should be made to their Act of Incorporation and it is expedient that the prayer of the said petition should be granted: Therefore Her Majesty by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows: Preamble.

1. Section one of the Act incorporating the Board of Trade of the City of Toronto, chapter twenty-four of the Acts of the Legislature of the late Province of Canada, passed in the eighth year of Her Majesty's Reign, is hereby amended by striking out the words "using trade," in the said section, and substituting therefor "who are or have been engaged in trade." Act of Canada, 8 Vic. Chap. 24 Sec. 1 amended.

2. Section six of the said Act is hereby repealed, and the following section shall be substituted therefor:— Section 6 amended.

"That the members of the said Corporation shall hold a general annual meeting in January in each year, and quarterly and other meetings when considered necessary by the Council, of which due notice shall be given by the secretary; and the members of the said Corporation, assembled at such annual meeting, shall then and there choose from a list of names previously agreed on at a General Meeting of the Board specially called for the purpose of nominating officers, and from that list only, by separate ballot or in such other way as shall be fixed by the By-Laws of the Corporation, elect from among the members of the Corporation, one President, one Vice-President, one Treasurer, and twelve other members of the Council, who with the said President, Vice-President, and Treasurer, shall form the Council of the said Corporation and shall hold their respective offices until others shall be elected at the next general meeting in January, in their stead, or until they shall be removed from office, or shall vacate the same under the provisions of any By-Laws of the Corporation; Provided always, that if the said election shall not take place in the said month of January in any year, the Corporation shall not thereby be dissolved but such election may be had at any general meeting of the Corporation to be called in the manner hereinafter provided, and the members of the Council then in office shall remain so until the election shall be had; And provided further, that no person shall be capable of being re-elected to the office of President, Vice-President, Treasurer or member of Council for the current year, if he shall have been absent from more than one-half of the meetings of Council held in the preceding year, without leave of absence obtained from the President." Annual meeting, when to be held. Proceedings thereat. Election of Officers. Proviso in case meeting is not held. Further Proviso.

3.

Section 9, amended.

3. Section nine of the said Act is amended by striking out the words "of any chartered Bank therein, and having resided in the said City of Toronto continuously for not less than two years" in the said section and substituting therefor the following, "Manager or Director of any Financial institution Railway or Insurance Company."

Sec. 10, amended.

4. Section ten is amended by substituting the words "two days" for the word "week" in the said section.

Section 16, repealed.

5. Section sixteen is hereby repealed and the following substituted therefor:

New Section. Meeting of Council.

"The meetings of the members of the Council shall be open to all other members of the Corporation who may attend at the same, but who shall take no part in the proceedings thereat; and minutes of the proceedings at all such meetings and all general meetings of the Corporation shall be entered in registers to be kept for that purpose by the Secretary, and such minutes shall be read at the following meeting and if approved of be signed by the President and Secretary or their substitutes, and such Registers shall be open at all seasonable hours to any member of the Corporation free of any charge and also to all other persons on payment of a fee of twenty-five cents to the Secretary."

Duties of Secretary.

CAP. XLVIII.

An Act to incorporate the St. Thomas (Ont.) Board of Trade.

[*Assented to 22nd June*, 1869.]

Preamble.

WHEREAS, Thomas Arkell, John King, John Ardagh Roe, James Carrie, William Coyne, Henry Brown, Marwood A. Gilbert, Charles G. Rich, James McAdam, Archibald McLachlin, Donald McKenzie, James H. Still, Thomas Eedson, Peter Couse, Alonzo J. Burns, John Blake, Wm. E. Youmans, George Rowley, J. Ord Kains, Peter Roe, John Midgley, W. F. Campbell, H. B. Pollock, Nelson W. Moore, Robert Pringle, John A. Kains, Charles W. Harte, and John R. Smellie, residents in the Town of St. Thomas, in the Province of Ontario, have by their petition represented that they have, as a Board of Trade, associated themselves together for some time past for the purpose of providing such measures as they have deemed important towards developing the general trade and commerce of Canada, and the town of St. Thomas, Ontario, in particular, and have further represented that the said Association would be more efficient in its operations, should an Act of Incorporation conferring certain powers on them and their successors be granted; and whereas it is expedient that the prayer of the said petition should be granted: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

1.

1. The said Thomas Arkell, John King, John Ardagh Roe, James Carrie, William Coyne, Henry Brown, Marwood A. Gilbert, Charles G. Rich, James McAdam, Archibald McLachlin, Donald McKenzie, James H. Still, Thomas Eedson, Peter Couse, Alonzo J. Burns, John Blake, Wm. E. Youmans, George Rowley, J. Ord Kains, Peter Roe, John Midgley, W. F. Campbell, H. B. Pollock, Nelson W. Moore, Robert Pringle, John A. Kains, Charles W. Harte, and John R. Smellie, and such other persons residents in the Town of St. Thomas, in the Province of Ontario, as are or shall be associated with the persons hereinbefore named, for the purposes of this Act, in the manner hereinafter provided; and their successors shall be and are hereby constituted a body politic and corporate by the name of "The St. Thomas, (Ont.) Board of Trade," for the purposes mentioned in the preamble, and may, by that name, sue and be sued, implead and be impleaded, answer and be answered unto, defend and be defended, in all courts of law and equity, and all other places whatsoever, in all manner of actions, suits, complaints, matters and causes whatsoever, and by that name they and their successors shall have perpetual succession, and may have a common seal, and the same may make, alter and change at their will and pleasure; and they and their successors by their corporate name shall have power to purchase, take, receive, hold and enjoy any estate whatsoever real or personal, and alienate, sell, convey, lease or otherwise dispose of the same, or any part thereof, from time to time, and as occasion may require, and other estate real or personal to acquire instead thereof; Provided always, that the clear annual value of the real estate held by the said Corporation at one time shall not exceed five thousand dollars; and provided also, that the said Corporation shall not have or exercise any corporate powers whatsoever, except such as are expressly conferred on them by this Act, or may be necessary for carrying the same into effect according to its true intent and meaning.

Incorporation and general powers.

Corporate name.

Proviso as to property.

Proviso: corporate powers limited to purposes of Act.

2. The funds and property of the said Corporation shall be used and applied to and for such purposes only as may be calculated to promote and extend the lawful Trade and Commerce of this Dominion generally, and of the Town of St. Thomas in particular or as may be necessary to attain the objects for which the said Corporation is constituted according to the true intent and meaning of this Act.

Application of funds of the Corporation.

3. The usual place of meeting of the said Corporation shall be held to be the legal domicile thereof, and service at such place of any notice or process of any kind addressed to the said Corporation shall be held to be sufficient service of such notice or process on the Corporation.

Domicile.

4. For the management of the affairs and business of the said Corporation, there shall be a council to be called "The Council of the Board of Trade," which shall, from and after the first election hereinafter

Council of the Corporation.

hereinafter mentioned, consist of a President, Vice-President, Secretary-Treasurer and six other members of the said Council, all of whom shall be members of the said Corporation, and shall have the powers and perform the duties hereinafter mentioned and assigned to the said Council.

Presiding officers and members of the Council.

5. The said Thomas Arkell, shall be President, the said Nelson W. Moore, shall be Vice-President, the said Thomas Eedson, the Secretary-Treasurer, and the said James McAdam, Charles G. Rich, John Midgley, John R. Smellie, James Carrie, and Archibald McLachlin, the other members of the Council until the first election to be had under the provisions of this Act; and the Council hereby appointed shall, until the said election, have all the powers assigned to the Council by this Act.

General meeting and elections.

Notice.

6. The members of the said Corporation shall hold a general meeting every three months, that is to say, on the last Friday in January, April, July, and October, at some place within the Town of St. Thomas, of which notice, naming the time and place, shall be given by the Secretary-Treasurer of the Council for the time being, at least three days previous to such meeting, through one newspaper or otherwise as may be thought necessary by the said Council; and at the general meeting on the last Friday in the month of April, the members of the said Corporation, or a majority of them, shall then and there elect in such way as shall be fixed by the by-laws of the Corporation, from among the members of the Corporation, one President, one Vice-President, and Secretary-Treasurer, and six other members of the Council, who, with the President, Vice-President and Secretary-Treasurer shall form the Council of the said Corporation, and shall hold their offices until others shall be elected in their stead at the next general meeting in the month of April as aforesaid, or until they shall be removed from office or shall vacate the same under the provisions of any by-laws of the said Corporation; Provided always, that if the said election shall not take place on the last Friday in the month of April, as aforesaid, the said Corporation shall not thereby be dissolved, but such election may be had at any general meeting of the said Corporation, to be called in the manner hereinafter provided, and the members of the Council in office shall remain members until the election shall be had.

Term of office.

Proviso: in case of failure of any election.

Vacating seats in certain cases.

7. If any member of the said Council shall die or resign his office, or be absent for four months continuously from the meetings of the said Council, it shall be lawful for the said Council, at any meeting thereof, to elect a member of the said Corporation, to be a member of the said Council in the place of the member so dying, or resigning or being absent, and such new member shall be so elected by a majority of the members of the said Council present at any meeting of the same, in case there is a quorum present at such meeting, and the member so elected shall hold office until the next annual election and no longer unless re-elected.

New members and their term of office.

8.

8. At any annual or general meeting of the said Corporation whether for the purpose of electing members of the Council or for any other purpose, a majority of members present at such meeting, shall be competent to do and perform all acts, which, either by this Act, or by any by-law of the said Corporation are or shall be directed to be done at any such general meeting. Quorum at general meeting.

9. Any member of the said Corporation intending to retire therefrom, or resign his membership may at any time do so, upon giving to the Secretary-Treasurer in writing, ten days notice of such intention, and discharging any lawful liability which may be standing upon the books of the said Corporation against him at the time of such notice. Members resigning.

10. It shall be lawful for the said Corporation or the majority of them present at any general meeting, to make and enact such by-laws, rules and regulations for the government of the said Corporation, providing for the admission and expulsion or retirement of the members and for the management of its Council, officers and affairs, and all other by-laws in accordance with the requirements of this Act, or the laws of Canada, as such majority shall deem advisable; and such by-laws shall be binding on all members of the said Corporation, its officers and servants, and all other persons whomsoever lawfully under its control; provided that no by-law shall be made or enacted by the said Corporation without notice in writing thereof having been given by one member and seconded by another member at a previous general meeting, and duly entered in the books of the said Corporation as a minute of the said Corporation. Power of making by-laws for certain purposes, their effect. Proviso: Notice of by-laws to be proposed.

11. Each and every person then resident in the Town of St. Thomas, Ont., and being or having been a merchant, trader, mechanic, manager of a bank, or insurance agent, shall be eligible to become a member of the said Corporation; and at any general meeting of the said Corporation it shall be lawful for any member of the said Council or of the said Corporation to propose any such person as aforesaid as a candidate for becoming a member of the said Corporation and if such proposition shall be carried by a majority of two-thirds of the members of the said Corporation then present, he shall thenceforth be a member of the said Corporation and shall have all the rights and be subject to all the obligations which the other members possess or are subject to; Provided always, that any person not being a merchant or trader, mechanic, manager of a bank, or Insurance agent, shall be eligible to become a member of the said Corporation in manner aforesaid, in case such person shall be recommended by the Council of the said Board of Trade at any such meeting. Members of the Corporation, qualification of. Proviso: as to others on recommendation of Council.

12. It shall be lawful for the said Council, or a majority of them, by a notice inserted in one or more newspapers published in the said town of St. Thomas, one day previous to the said meeting, or by a circular letter signed by the Secretary-Treasurer of the said Corporation Special general meetings how called, &c.

Corporation addressed to each member, and mailed one day previous to the said meeting, to call a general meeting of the said Corporation for any of the purposes of this Act.

Meetings of the Council, how called &c.

13. It shall be competent for the said Council to hold meetings, from time to time, and to adjourn the same when necessary, and at the said meetings to transact such business as may, by this Act or by the by-laws of the Corporation be assigned to them, and such meetings of the Council shall be convened by the Secretary-Treasurer at the instance of the President, or upon the request of any two members of the Council, and the said Council shall, in addition to the powers hereby expressly conferred on them, have such powers as shall be assigned to them by any by-law of the Corporation, except only the power of enacting or altering any by-law, or admitting any member, which shall be done in the manner provided for by this Act, and in no other; and any five or more members of the Council lawfully met (and of whom the President or Vice-President shall be one, or in case of their absence any five or more members lawfully met) shall be a quorum, and any majority of such quorum may do all things within the power of the Council; and at all meetings of the said Council, and at all general meetings of the said Corporation, the President, or in his absence the Vice-President, or if both be absent any member of the Council then present who may be chosen for the occasion, shall preside, and shall in all cases of equality of vote upon any division, have a casting vote.

Quorum.

President and casting vote.

Council to frame by-laws and submit them to Corporation.

14. It shall be the duty of the said Council, as soon as may be after the passing of this Act, to frame such by-laws, rules and regulations, as shall seem to the Council best adapted to promote the welfare of the said Corporation and the purposes of this Act, and to submit the same for adoption at a general meeting of the said Corporation called for that purpose, in the manner hereinbefore provided.

Recovery of subscriptions, penalties, &c.

15. All subscriptions of members due to the said Corporation under any by-law, all penalties incurred under any by-law, by any person bound thereby, and all other sums of money due to the said Corporation, shall be paid to the Secretary-Treasurer thereof, and in default of payment, may be recovered in any action brought in the name of the said Corporation, and it shall only be necessary in such action to allege that such person is indebted to the said Corporation in the sum of money, the amount of such arrears, on account of such subscriptions, penalty or otherwise, whereby an action hath accrued to the said Corporation by virtue of this Act.

Proof in such cases.

16. On the trial or hearing of any such action, it shall be sufficient for the said Corporation to prove that the defendant at the time of making such demand was or had been a member of the said Corporation, and that the amount claimed by such subscription, penalty or otherwise, was standing unpaid upon the books of the said Corporation.

17. The meetings of the members of the Council shall be open to all members of the said Corporation who may attend at the same, but they shall take no part in any proceedings thereat, and minutes of the proceedings at all meetings whether of the said Council or the said Corporation shall be entered in books to be kept for that purpose by the Secretary-Treasurer of the said Corporation; and the entry thereof shall be signed by the President of the said Council, or such other person who at the time shall preside over any such meeting; and such books shall be open at all reasonable hours to any member of the said Corporation, free from any charge.

Meetings of Council to be open.

Minutes to be kept.

18. From and after the passing of this Act, it shall be lawful for the Council of the said Corporation to appoint five persons to constitute a Board of Examiners for the Town of St. Thomas, for the year commencing on the first day of September then next, and ending on the thirty-first day of August following, to examine applicants for the office of Inspector of Flour and Meal, or of any other article subject to inspection and the said Council may do all such other acts, matters and things connected with the inspection of Flour and Meal or any other article, and shall have as full power and be subject to the same conditions as those conferred upon and required of the Council of any Board of Trade, by virtue of any Act respecting the inspection of Flour and Meal or of any other article subject to inspection, and the said Examiners and Inspectors shall also be subject to all conditions, requirements, oaths, matters and things (touching their offices) set forth in the said Acts.

Board of Examiners of Inspectors of articles subject to inspection: their powers and duties.

19. Any person who may by law, in other cases, make a solemn affirmative instead of taking an oath, may make such solemn affirmation in any case, where by this Act, an oath is required; and any person hereby authorized to administer an oath may in such cases as aforesaid, administer such solemn affirmation; and any person who shall wilfully swear or affirm falsely, in any case in which an oath or solemn affirmation is required or authorized by this Act, shall be guilty of wilful perjury.

Affirmation allowed instead of oath.

20. Nothing in this Act shall affect any rights of Her Majesty, Her Heirs, or Successors, or of any party or person whomsoever, such rights only excepted as are herein expressly mentioned and affected.

Saving of rights of the Crown.

CAP. XLIX.

An Act to continue for a limited time, the Charters of certain Banks.

[*Assented to 22nd June*, 1869.]

WHEREAS the several incorporated Banks mentioned in the Schedule of this Act, have prayed for the continuance of their

Preamble.

their respective charters, and it is expedient, by one Act to continue such charters until the period hereinafter mentioned: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows;

The Charter of the Bank which would otherwise expire sooner,—continued to end of session after 1st June, 1870.

1. The charters or Acts of incorporation of the several banks mentioned in the said Schedule to this Act, and of any other Bank the charter of which would expire previous to the day hereinafter mentioned, as amended by any subsequent Act or Acts of the Parliament of Canada, passed in the present or in the now last session, or by any Act of the Legislature of the late Province of Canada, or of either of the late Provinces of Upper Canada or Lower Canada, or of either of the Provinces of Nova Scotia or New Brunswick, before the first day of July, 1867, and such amending Acts,—are hereby continued and shall remain in force until the first day of June, in the year of our Lord, one thousand eight hundred and seventy, and thence until the end of the session of the Parliament of Canada, commencing next after the said day.

Act 31, V. c. 11, continued to same date.

2. The Act passed in the thirty-first year of Her Majesty's Reign chapter eleven, intituled: "An Act respecting Banks," shall remain in force until the first of June, in the year of our Lord one thousand eight hundred and seventy, and thence until the end of the Session of Parliament, commencing next after the said day.

SCHEDULE.

The Quebec Bank.
The City Bank (Montreal.)
La Banque du Peuple.
The Bank of Toronto.
The Ontario Bank.
The Bank of Brantford.
The Canadian Bank of Commerce.
The Royal Canadian Bank.
La Banque Nationale.
The Gore Bank.
The Niagara District Bank.

CAP. L.

An Act to amend the Charter of the Quebec Bank.

[*Assented to 22nd June,* 1869.]

Preamble.

WHEREAS the Quebec Bank have by their petition prayed that their Charter may be amended and it is expedient to grant the prayer of the said petition: Therefore, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

2.

1. So much of section one of chapter twenty of the Acts of the Parliament of the late Province of Canada, passed in the twenty-sixth year of Her Majesty's reign, and intituled: "An Act to amend the Charter of the Quebec Bank" as limited the periods within which the part of the capital stock of the said Bank not subscribed for at the passing of the said Act, should be subscribed for and called in to the thirty-first day of December one thousand eight hundred and sixty-eight, is hereby repealed; and any portion of the stock of the said Bank not subscribed for when this Act comes into force, may be subscribed for, and the whole of the stock called in before the first day of June, one thousand eight hundred and seventy. Sect. 1 of Act of Province of Canada, 26 V. c. 20, amended as to period of subscription for stock.

CAP. LI.

An Act to amend the Charter of the City Bank.

[*Assented to 22nd June*, 1869.]

WHEREAS the City Bank have by their Petition prayed that their Charter be amended, and it is expedient to grant the prayer of the said Petition: Therefore, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows: Preamble.

1. The present Capital Stock of the Bank shall, after the passing of this Act, be divided into Twelve thousand Shares of One hundred Dollars each, instead of Fifteen thousand Shares of Eighty dollars each, as heretofore, together with any further amount to which the capital may be increased by the payment of fractional parts of shares in the process of conversion of the said stock into one hundred dollar shares as herein provided; And if, after such process of conversion, there should not be twelve thousand of such shares, then the said Bank shall have power to issue such further number of shares as may be requisite to complete the said number. Value and number of shares altered.

2. Immediately after the passing of this Act, the Bank shall open a new Register of Shareholders, and shall convert the shares standing in the names of the respective Shareholders in the present Register of Shareholders, into such number of shares of one hundred dollars each, as shall represent, at the par value, the amount of the shares theretofore standing in the name of each Shareholder; and in case there shall remain a sum or balance representing at the par value, a fractional part of a share, the Shareholder of whose share or shares it shall have formed a portion shall have a right at any time within two months after the passing of this Act, to pay to the Bank an amount sufficient to make with such sum or balance, the sum of one hundred dollars, and the Bank shall thereupon register in his or their name, an additional share of one hundred dollars, and no other or more formal transfer to such Shareholder shall be required; Register and conversion of shares. As to fractional parts of shares.

The same. If such amount be not paid to the Bank within the delay aforesaid, the balance representing the fractional part of a share shall be placed at the credit of the Shareholder of whose share or shares the same shall have formed a portion, and shall be subject to his order, and thereupon without any transfer or other formality being required, all the rights of such Shareholder in such fractional part of a share, shall belong to and be vested in the Bank.

Section 2 to apply to executors, trustees, &c. **3.** The provisions contained in the next preceding section shall apply to all Executors, Administrators, Tutors, Curators, Trustees, and other persons acting in a representative capacity, and to the shares held by them, and any moneys representing fractional parts of shares may be paid without the authority of any Court or Judge.

Section 10 of the Bank Charter amended. **4.** Notwithstanding anything contained in Section Ten of the Charter of the said City Bank, it shall be lawful for the Bank instead of exacting the Bonds and Securities therein mentioned, to set apart and create a Fund to provide for losses sustained through the officers and persons specified in the said Section.

This Act to be one with 27 Vic., c. 41. **5.** This Act, and the Act of the Parliament of the late Province of Canada, twenty-seven Victoria, Chapter forty-one, shall be construed as one Act, and all provisions in the said cited Act which are inconsistent with this Act, are hereby repealed.

CAP. LII.

An Act to amend the charter of the Bank of Toronto.

[*Assented to 22nd June,* 1869.]

Preamble. WHEREAS the bank of Toronto have by their petition prayed that their charter may be amended, and it is advisable that the prayer of the said petition be granted: Therefore, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

Increase of capital how to be affected. **1.** The capital stock of the said bank may be increased to the sum of two millions of dollars, but it shall not be obligatory to increase it to more than one million of dollars, and such increase may be agreed upon by the shareholders at any annual general meetings, or at any meetings specially called from time to time for that purpose, by the usual notice for special meetings, at any time within three years from the passing of this Act; and such increase may be agreed upon by such proportions at a time as the shareholders shall determine, and shall be decided by a majority of the shareholders present at such meetings, either in person or by proxy.

Allotment of new stock to shareholders. **2.** Any new stock of the said bank to be issued on any such increase of the capital stock, shall be allotted to the then shareholders

holders of the said bank, *pro rata*, and at such rate of premium as shall be fixed by the directors; Provided always, that any of such increased stock which shall not be taken up by any shareholder, within three months from the time when notice of the allotment has been mailed to his address by post from Toronto, may be opened for subscription to the public in such manner and on such terms as the directors shall determine. Proviso as to stock not taken by shareholders.

3. The premium received on any such increased stock shall be carried to the rest or reserved fund of the bank. Premium how to be dealt with.

4. The annual general meeting of the shareholders of the said bank shall be held on the third Wednesday in June, instead of the third Wednesday in July; and each director of the said bank shall be required to hold two thousand dollars of the capital stock of the said bank in his own name and right. Increased qualification of directors and president.

5. The directors may invest the ten per cent required by law to be held by the said bank in government securities, in such securities payable either in sterling or currency, or in England or Canada, as they may consider most advisable. As to government securities to be held by the bank.

6. This Act shall be a Public Act. Public Act.

CAP. LIII.

An Act to amend the Charter of the Ontario Bank.

[*Assented to 22nd June*, 1869.]

WHEREAS the Ontario Bank have by their petition prayed that their charter may be amended, and it is advisable that the prayer of the said petition be granted: Therefore, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows: Preamble.

1. The majority of the shareholders of the said Bank, present in person or by proxy, at any annual general meeting or any special general meeting called for that purpose, by the notice and in the manner in which special meetings are called under the said recited acts, shall have power to change the place where the Head Office of the said Bank shall be, to any other place in either of the Provinces of Ontario or Quebec, and such place so named at such meeting shall be and shall be construed to be, the Head Office of the said Bank for all the purposes in the said recited acts mentioned. Power to change the place of the Head Office of the bank.

2. At any such meeting as in the preceding section mentioned if the place of the said Head Office is changed, there shall be at such meeting, immediately after such change of place is declared, a new election of directors of the said Bank, and the directors so elected shall hold office until the next annual meeting for the election New election of Directors if such place be changed.

election of Directors of the said Bank, in the place and stead of the Directors elected at the last preceding annual meeting.

Public Act. **3**. This Act shall be a Public Act.

CAP. LIV.

An Act to further amend the Charter of the Gore Bank.

[*Assented to 22nd June*, 1869.]

Preamble. WHEREAS the President, Directors and Company of the Gore Bank have by their Petition set forth, that since the passing of the Act of incorporation of the said Bank, and the Acts amending the same, they have suffered losses in their business which have reduced the actual paid up Capital of the said Bank, and the value of the shares into which it has been divided; that the nominal value of each of such shares is forty dollars, but the actual value thereof, as near as can be estimated, somewhat exceeds twenty-four dollars, and the nominal Capital of the said Bank is one million of dollars, but it has been reduced by such losses, as near as can be estimated, to a sum somewhat exceeding the sum of five hundred thousand dollars; and that it will be advantageous, both to the said Bank and to the Public, to have the nominal value made to coincide and agree with the actual value thereof; and that it will also be advantageous to the said Bank and to the Public to empower the said Bank to raise or restore its actual capital to the amount of one million of dollars, which is the amount deemed proper and authorized by the existing Acts in that behalf, and to increase the number of shares of the said Bank necessary for the qualification of the Directors thereof, and to change the day of the annual meeting of the Shareholders of the said Bank, and to authorize the Shareholders, if they see fit, to change the name of the said Banking Corporation to that of "The Bank of Hamilton;"—and have prayed that in order to carry out and effect such purposes, the exist Acts affecting the said Bank may be altered, amended and varied as the same are hereinafter altered, amended and varied; and whereas it is expedient that the prayer of the said petition should be granted: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

Shares to be $24 each, instead of $40 and Capital Stock reduced in proportion. **1**. For and notwithstanding anything contained in the Charter, of the Gore Bank, being the Acts of Canada, twenty-three Vict., Cap. one hundred and sixteen, and twenty-six Vict., Cap. fifty-seven, or in any other Act or Enactment, each and every now existing Share in the Capital Stock of such Corporation shall, from and after the passing of this Act, be held to represent and be equal to the sum of twenty-four dollars, and not forty dollars as heretofore, and the total amount of the now existing paid up Capital Stock of such Corporation shall be and hereby is reduced in

in proportion: Provided always, that the Directors of such Corporation may and are hereby empowered, if they deem it advantageous for the interests of such Bank, at any time hereafter, with the consent of a majority of the Shareholders present, or represented by proxy, at the usual annual or any special meeting called for that purpose, (the vote being taken in the same manner as votes for the election of Directors are taken), to consolidate the said reduced Shares of twenty-four dollars each into Shares not exceeding fifty dollars each; Provided, that if by means of such consolidation there shall be any Share or fraction of a Share held by any Shareholder or Shareholders, that may be insufficient to constitute one full Share of fifty dollars, such shareholder shall have a right at any time within two months after such consolidation, to pay to the Bank an amount sufficient to make with such Share or part of a Share estimated at twenty-four fortieths of its nominal amount the sum of fifty dollars; and the Bank shall thereupon register in his or their name an additional Share of fifty dollars; and no other more formal transfer to such Shareholder shall be required; and if such amount be not paid to the Bank within the said two months, the value of such Share or part of a Share shall be placed at the credit of such Shareholder at the proportion aforesaid, and shall be payable to his order; and thereupon without any transfer or other formality being required, all the rights of such Shareholder in such share or fraction of a Share, shall belong to and be vested in the Bank.

Proviso: Reduced shares may be consolidated into shares of $50 each.

Proviso as to fractions of Shares.

2. The said Directors may, with the assent of the majority of the Shareholders present or represented by proxy, at any ordinary annual or special general meeting called for that purpose by By-Law or By-Laws, increase the Capital Stock of the said Bank, but so that it shall not in the whole exceed the amount of One Million Dollars, ($1,000,000); and such additional Stock shall be subscribed for in Shares of fifty dollars each, and issued otherwise upon the terms set forth in the first, second, third, fourth, fifth, sixth, ninth, tenth, eleventh and twelfth Sections of the Act passed in the Session held in the twenty-sixth year of Her Majesty's Reign, Chapter fifty-seven, authorizing the issue of two hundred thousand dollars to the then existing Capital of said Stock; Provided always, that issuing and subscribing for the additional capital authorized by this Act may take place at any time while the Charter of the said Bank remains in force.

Capital Stock may be increased to $1,000,000 in shares of $50.

Proviso.

3. The Shareholders of the said Bank present in person or by proxy, shall have power by any By-Law or By-Laws to be passed at any annual or special meeting to be called for that purpose; to reduce the number of the Directors of the said Bank to five, and to alter the scale of voting for the election of Directors, and on any question on which the Shareholders may require to vote; to one vote for every share of capital stock held by any Shareholder in the said Bank; Provided such By-Law be concurred in by an absolute majority of the entire number of the votes then held by the

Shareholders may at a general meeting alter the number of Directors and the scale of voting.

Proviso.

the Shareholders, according to the present scale of voting, and that the purpose of such meeting shall be specially indicated in the notice calling the same.

Qualification of Directors.

4. From and after the passing of this Act no person although otherwise qualified to be a Director of such Bank, shall be capable of being elected or acting as a Director thereof, unless he be the owner or holder in his own name of at least one thousand dollars of the then Shares of the Capital Stock of such Bank all fully paid up.

Annual meetings on first Wednesday in July.

5. The annual meetings of the Shareholders shall, after the expiration of the year one thousand eight hundred and sixty-nine, notwithstanding any provision in any Act affecting the said Bank heretofore passed, be held on the first Wednesday of the month of July of each and every year.

Name of Bank may be changed to "The Bank of Hamilton."

Resolution affecting such change of name, and notice thereof.

6. It shall be lawful for the majority of the Shareholders of the said Bank, present, or represented by proxy, at their next or any future annual meeting, or at any special general meeting of the Shareholders, to be called for that purpose, (the vote being taken in the same manner as votes for the election of Directors are taken), and they are hereby empowered, to change the name of the said Bank to that of "The Bank of Hamilton," and the Resolution of the Shareholders effecting such change of name of such Bank shall be entered in the Minutes of the Meeting in the ordinary Minute Book of the said Bank, and shall specify the day on which such change of name shall take place, which day shall not be less than thirty days from the passage of the aforesaid Resolution; and the President of such Bank shall thereupon forthwith sign and seal with the corporate seal of such Bank, a true copy of such Resolution and transmit the same to the Secretary of State for Canada, who shall, upon receipt thereof, duly file the same in his office; and the said Bank shall also forthwith cause such Resolution to be inserted at full length in the "Canada Gazette," and at least one Newspaper published in the City of Hamilton, for the space of one month: and upon, from and after the day mentioned in said Resolution as that on which the change of name of said Bank shall take effect, the name and style of the said Corporation shall, by virtue of such Resolution and this Act, be changed for all purposes whatsoever, unto, and thereafter be "The Bank of Hamilton," which name and style shall then and thenceforth be sufficient and proper to be used in all then pending and future legal and other proceedings, transactions and affairs of the said Bank, or in any wise concerning the same.

Change of name how to be proved.

7. The said change of name of such Bank, when and after it shall be so effected, shall be considered for all purposes and by all Courts and Tribunals to be sufficiently proved by the production of a copy of such Resolution, under the corporate seal of such Bank, or by a copy thereof, certified by the Secretary of State, or by

by the production of any of the issues of the "Canada Gazette," containing the aforesaid advertisement thereof.

8. The said change of name of such Bank shall not nor shall anything contained in this Act, or authorized by it, be construed to release or in any wise affect the liability of any surety or sureties or other person or persons bound or liable to said Bank; and the said Bank shall by the name of "The Bank of Hamilton" possess and exercise all the property, rights, powers and privileges, and be bound by and discharge all the liabilities, debts, contracts and obligations which the said Bank held, possessed, or was liable for under the name of "The Gore Bank," or "The President, Directors and Company of the Gore Bank." Limitation of effect of such change of name.

9. This Act shall be a Public Act, and may be referred to and cited in pleadings, and upon all other occasions and in all Courts and elsewhere, as The Gore Bank Act, 1869. Public Act. Short Title.

CAP. LV.

An Act to amend the Act to incorporate the Union Bank of Lower Canada.

[*Assented to 22nd June, 1869.*]

WHEREAS the Union Bank of Lower Canada have by their petition prayed for certain amendments to their Act of Incorporation, and it is expedient to grant their prayer: Therefore, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows: Preamble.

1. Section six of the Act passed by the Legislature of the late Province of Canada, in the twenty-ninth year of Her Majesty's Reign, chapter seventy-five *to incorporate the Union Bank of Lower Canada*, is hereby amended so as to read as follows: Section 6 of 29 Vic., Cap. 75, amended.

"6. The stock, property, affairs and concerns of the said bank shall be managed by seven directors, who shall choose from amongst themselves a president and vice-president, who, excepting as is hereinbefore provided, shall hold their offices for one year, which directors shall be stockholders residing in Canada, and natural-born or naturalized subjects of Her Majesty, and be elected on the first Monday in July in each year, at such time of the day, and at such place in the City of Quebec aforesaid, as a majority of the directors for the time being shall appoint; and public notice shall be given by the directors as hereinbefore provided in the third section of this Act, previous to the time of holding such election; and the said election shall be held and made by such of the shareholders of the said Bank as have paid all calls made by the directors, and as shall attend for the purpose in their own proper persons or by proxy, such persons being or having been in either case, holders of such shares for three months previous; and all elections for directors shall be by ballot; and the said proxies Directors, President and Vice-President to manage the Bank. Election how made, &c. Ballot

Proxies. proxies shall only be capable of being held and voted upon by shareholders then present; and the seven persons who have the greatest number of votes at any election, shall be directors, except as hereinafter directed; and in case of a vacancy occuring in the number of directors, the remaining directors shall fill the same by appointing from among the shareholders such person or persons possessing the qualification required by this Act as they may think fit; and if the vacancy so created shall be that of president or vice-president, the directors at the first meeting after the completion of their number, shall, from among themselves, choose a president or vice-president who shall continue in office for the remainder of the year; and if it should happen, at any election, that two or more persons have an equal number of votes, then the directors who shall have had a greater number of votes, or the majority, shall determine which of the said persons so having an equal number of votes shall be the director or directors, so as to complete the whole number of seven; and the said directors as soon as may be after the said election shall proceed in like manner to elect, by ballot, two of their number to be president and vice-president; provided always, that no person shall be eligible to be or continue as director, unless he shall hold in his name and for his own use, stock in the said bank to the amount of twenty shares, on which all calls have been paid in."

Vacancies how filled.

Equality of votes at elections.

Proviso: qualification of Directors.

When only this Act shall take effect.

2. This Act shall take effect upon, from and after the day the same shall be approved and accepted by a vote of the Shareholders at an annual or special general meeting, such vote to be taken in the manner prescribed for the election of directors in the Act hereby amended.

CAP. LVI.

An Act to authorize an addition to the Capital Stock of the Canadian Bank of Commerce, and for other purposes relating to the said Bank.

[*Assented to 22nd June*, 1869.]

Preamble.

WHEREAS the Shareholders of the Canadian Bank of Commerce, at their annual general meeting held on the sixth day of July, in the year of our Lord one thousand eight hundred and sixty-eight, authorized application to be made to the Parliament of the Dominion of Canada, for authority to increase the capital stock of the said Bank, and a Petition under its corporate seal hath been presented praying for such authority and for certain amendments in the Acts of Parliament under which the said Bank is now carrying on its business, and it is expedient that the prayer of the said Petition should be granted; Therefore, Her Majesty, by and with the advice and consent of the Senate and the House of Commons of Canada, declares and enacts as follows:

1.

1. It shall and may be lawful for the Canadian Bank of Commerce to add to their present capital stock any sum not exceeding one million of dollars divided into shares of fifty dollars each which shares may be subscribed for either in or out of Canada. The Bank may add $1,000,000 to its capital.

2. Such stock may be issued or allotted by the Directors at par or at any rate of premium which the Directors may from time to time determine, but not below par. How allotted.

3. The premium, if any, on such stock shall be carried to the credit of the reserve fund of the Bank. Premium.

4. The Directors may allot any part of such stock *pro rata* among the shareholders existing at the date of such allotment who may desire to subscribe therefor. Allotment to Shareholders.

5. The shares of such stock subscribed for shall be paid in and by such instalments and at such times and places and under such regulations as the Directors may from time to time appoint; and executors, administrators and curators paying instalments upon the shares of deceased shareholders shall be and they are respectively hereby indemnified for paying the same; Provided always, that no share shall be held to be lawfully subscribed for unless a sum equal to at least ten per cent on the amount subscribed shall together with the premium (if any) charged by the Directors, be actually paid at the time of subscribing; provided further, that the balance unpaid upon any such share shall be called up in full within three years from the date of subscription, by instalments not larger than one-tenth of the amount subscribed, payable at intervals of not less than thirty days; and thirty days notice of the calls shall be given in a newspaper published in the City of Toronto, and in the *Official Gazette.* Calling in subscriptions. Proviso: ten per cent on subscribing. Proviso: remainder within 3 years.

6. Any subscriber may pay up in advance any sum payable in respect of his shares. Payment in advance.

7. If any subscriber or shareholder shall refuse or neglect to pay any instalment upon his stock at the time or times required by the Directors as aforesaid, such subscriber shall incur a forfeiture to the use of the said Bank of a sum of money equal to ten per centum on the amount of such stock, and moreover, it shall be lawful for the Directors (without any previous formality other than thirty days public notice of their intention) to sell at public auction the said stock or so much thereof as shall, after deducting the reasonable expenses of the sale, yield a sum of money sufficient to pay the unpaid instalments due on the remainder of the said stock and the amount of forfeitures incurred on the whole; and the President, with the Vice-President or the Cashier of the said Bank, shall execute the transfer to the purchasers of the stock so sold; and such transfer being accepted shall be as valid and effectual in law as if the same had been executed by the original holder or holders Enforcing payment of calls, by forfeiture of stock.

Proviso. holders of the stock thereby transferred; provided always that nothing in this section contained shall be held to debar the Directors or Shareholders at a general meeting from remitting either in whole or in part, and conditionally or unconditionally, any forfeiture incurred by the non-payment of any instalment as aforesaid.

Directors may limit the amount of new stock issued.

8. It shall not be obligatory upon the Directors of the said Bank, to open Books of Subscription for, or to sell or allot the whole amount of stock authorized by this Act, but the said Directors may from time to time limit the number of shares for which books of subscription shall be opened, or which they may desire to sell, or otherwise dispose of as aforesaid, as they in their discretion may deem advisable.

What provisions shall apply.

9. All provisions of the Act incorporating the said Bank and the Act amendatory thereof, not inconsistent with the provisions of this Act, shall apply to the stock subscribed under this Act.

Stock not to be subscribed for after a certain time.

10. None of the said stock shall be subscribed at any time after the end of the Session of Parliament, which shall be held next after the first day of June, A. D. 1870, unless at or prior to that period the said Bank shall have been authorized by the Parliament of Canada, to continue its banking operations, in which event the said stock may be subscribed for at any time prior to, but not after the first day of June, A. D. 1872.

New section substituted for sec. 13 of 22 Vic. c. 131 (1858).

By-laws, how made.

11. The thirteenth section of the said Act incorporating the said Bank is hereby repealed and the following is substituted for it,—"It shall and may be lawful for the Directors of the said Bank from time to time to make and enact by-laws, rules and regulations (the same not being repugnant to this Act or the laws of Canada,) for the proper management of the affairs of the said corporation, and from time to time to alter or repeal the same and others to make and enact in their stead; Provided always, that no by-law, rule or regulation so made by the Directors shall have force or effect until the same shall have been confirmed by the shareholders at an annual general meeting, or at a special general meeting called for that purpose.

Proviso:

Sect. 4 of 29-30 Vic., c. 88, amended.

12. So much of the fourth section of the Act intituled: An Act to amend the charter of the Bank of Canada, and to change the name thereof to that of "The Canadian Bank of Commerce," as fixes the first Monday in July, in each year for the day of the annual general meeting of the shareholders of the said Bank is hereby repealed, and such annual general meeting of the shareholders shall after the passing of this Act be held on the second Tuesday, in the month of July, in each year.

Annual general meeting.

Bank subject to future legislation.

13. The powers and privileges conferred by this Act and the several Acts which it amends, and the liabilities or obligations of the shareholders of the said Bank, shall be subject to any legislation

tion either of the present or any future session of the Parliament of Canada, which may take place; and no general Act whereby any privilege hereby conferred may be affected or impaired shall be deemed an infringement of the charter of the said Bank or of this Act.

CAP. LVII.

An Act to authorize an addition to the Capital Stock of the Bank of New Brunswick, and for other purposes connected with the said Bank.

[*Assented to 22nd June*, 1869.]

WHEREAS the President, Directors and Company of the Bank of New Brunswick, have prayed for permission to increase the Capital Stock of the said Bank, and to change the nominal value of the shares of the said stock, and it is expedient to grant their prayer: Therefore, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows: Preamble.

1. The present Capital Stock of the Bank of New Brunswick, constituted and incorporated by an act of the Legislature of the Province of New Brunswick, passed in the sixtieth year of the Reign of His late Majesty King George the Third, and intituled: "An Act to incorporate sundry persons by the name of the President, Directors and Company of the Bank of New Brunswick" amounting to one hundred and fifty thousand pounds and divided into shares of fifty pounds each, shall hereafter be estimated at six hundred thousand dollars and be divided into six thousand shares of one hundred dollars each; and every present stockholder of the said Bank, shall be entitled to have and to hold in lieu of his former share or shares, two shares of stock of the value of one hundred dollars each, for each share he holds of the present stock of the said Bank, and the rest or profits accumulated on each share of the present stock shall belong to, and be divided betwen the two shares created in lieu thereof by this Act. Value of shares reduced from £50 to $100 and number increased in proportion.

2. It shall be lawful for the said Bank of New Brunswick to increase the capital stock of the said Bank, by the issue of new stock to an amount not exceeding three hundred thousand dollars, in shares of one hundred dollars each, and the mode of providing for the issue of such new stock, the allotment of shares therein and generally all matters connected therewith, shall be regulated and determined by resolution of the shareholders passed at a special general meeting to be convened for the purpose, and the new stock so issued shall be subject to the same provisions in all respects as if it had been part of the original capital, except as to the times of making calls thereon and the amount of such calls, which it shall be lawful for the stockholders at the general meeting before Capital may increased by $300,000, in shares of $100 each.

When to be paid up.

before mentioned to alter so far as they shall think fit; but the whole amount of the said new stock shall be subscribed and paid up within three years from the passing of this Act.

Amount of circulating notes limited.

3. The total amount of the bills or notes of the Bank, of all values, in circulation at any one time shall not exceed that to which it is now limited upon the present capital stock of the Bank, nor shall the increased capital stock authorized by this Act give power to the said Bank to increase the amount of circulation which it may lawfully issue.

Qualification of Directors.

4. No person shall hereafter be eligible as a Director in the said Bank, unles such person is a stockholder holding not less than twenty shares of the Capital Stock of the Corporation.

Proportion of votes to shares.

5. The number of votes which each stockholder shall be entitled to after the passing of this Act, when voting under the Act incorporating the said Bank, or any Act or Acts in amendment thereof, shall be in the following proportions, that is to say: For one share and not more than four, one vote; for every four shares above four and not exceeding twenty, one vote, making five votes for twenty shares; for every eight shares above twenty and not exceeding sixty, one vote, making ten votes for sixty shares; which said number of ten votes shall be the greatest that any stockholder shall be entitled to have.

Returns.

6. The Corporation shall be bound to make such periodical returns and be subject to such other provisions respecting Banks as Parliament may deem necessary in the public interest,

Inconsistent enactments repealed.

7. So much of the above cited Act of the Legislature of New Brunswick, of the Sixtieth George the Third, Chapter thirteen, and of any other Act or Acts of the said Legislature amending the said Act, as is inconsistent with this Act, is hereby repealed.

CAP. LVIII.

An Act to amend the Act incorporating the Royal Canadian Bank, by extending, if necessary, the time for resumption of specie payment, and also to authorize, if necessary, the amalgamation of the said Bank with any other bank or banks and for other purposes.

[*Assented to 22nd June,* 1869.]

Preamble.

WHEREAS under and pursuant to the provisions of the Act of Parliament of the late Province of Canada, passed in the session held in the twenty-seventh and twenty-eighth years of Her Majesty's Reign, chapter eighty-four, the Royal Canadian Bank was incorporated and has been since carrying on its business of bankers

bankers, and whereas the said Royal Canadian Bank has by its petition represented that it is at present unable to meet in specie upon demand the amount of its bank notes in circulation, claims of depositors and other debts, although possessed of assets more than sufficient to pay all its liabilities in full, if such assets are properly realized and applied, and hath prayed that under the circumstances an Act of Parliament of Canada should be passed containing the provisions hereinafter mentioned: And whereas it is expedient to grant the prayer of the said petition: Therefore, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

1. Notwithstanding any thing contained in the twenty-fifth section of the said recited Act, the suspension by the said bank of payment on demand in specie of the notes or bills of the said bank, shall not operate as or be any forfeiture of the charter or corporate privileges of the said bank, unless such suspension shall continue for the period of ninety days from and after the passing of this Act. **Extension of period during which suspension may continue without forfeiture.**

CLAUSES AS TO AMALGAMATION.

2. The directors of the said bank may enter into an agreement with any other banking institution or institutions for an amalgamation, and may determine upon the terms of such amalgamation, and the relative values of the stock of the said bank, and of such amalgamating bank or banks and may agree upon such other terms for the conduct, management and general relations of the amalgamated institutions as the directors of the said banks may think best, not, however, being inconsistent with or in excess of the powers conferred by their respective Acts of incorporation; such agreement shall not however be valid until confirmed by a majority of such of the shareholders of the Royal Canadan Bank as shall be present either in person or by proxy at any special general meeting of shareholders called for that purpose. **Certain powers given to Directors with respect to amalgamation with another bank.**

3. The directors of any other banking institution or institutions are hereby authorized to enter into an agreement of amalgamation with the Royal Canadian Bank to the purport and effect set forth in the last preceding section, but such agreement shall not be valid until confirmed at a special general meeting, called for the purpose, of the shareholders of the bank or banks so entering into the said agreement. **Like powers to Directors of other banks.** **Proviso.**

4. The terms of the said agreement of amalgamation shall be set forth in a formal indenture of union, executed by the said respective banks parties thereto, and upon the filing of a duplicate thereof in the office of the Secretary of State of Canada, such amalgamation shall be taken to be fully complete, and the said amalgamated banks shall thereafter be deemed to be one corporation under such name, not being the name of any other bank not entering into such amalgamation, as may be declared in such indenture **Indenture containing terms of union to be executed.** **Amalgamation and its effect.**

ture, and shall possess all the corporate powers, rights and privileges theretofore held, enjoyed or possessed by any or either of the said respective banks, and the provisions contained in their respective Acts of incorporation, shall apply to the said amalgamated bank which shall in all respects be subject to and be regulated by the said provisions, except in so far as the same may be varied by the terms of the said indenture of union or this Act, and in case of any conflict between the terms of the provisions contained in the said respective Acts of incorporation, those contained in the said recited Act of incorporation of the Royal Canadian Bank shall be construed, taken and held to govern the said amalgamated bank; and immediately after the filing of the said indenture in the office of the said Secretary of State, a copy of the same certified by the said Secretary shall be published at length in the *Canada Gazette*, at the expense of the said bank.

Copy of indenture to be published.

What shall be deemed evidence of amalgamation.

5. The production of the said indenture of union with the certificate thereon endorsed of the Secretary of State of Canada, of the filing of the duplicate thereof, in his office, or the production of a copy of such duplicate indenture certified by the said Secretary of State, or of a copy of the *Canada Gazette* in which the said indenture has been published, under the last preceding section shall be conclusive evidence, in all courts and proceedings, of the execution and filing of the said indenture, without further or other proof, and shall also be *primâ facie* evidence, without further proof, in all courts and proceedings, of the complete union and incorporation into one corporation of the said amalgamated institutions.

Amalgamated Bank may increase its capital stock.

Proviso.

6. The said amalgamated bank may, by by-law or by-laws, and upon the terms set forth in such by-law or by-laws, from time to time increase their capital stock, but the additions thereto shall not exceed the amount of the original capital stock of the Royal Canadian Bank and of such amalgamating bank or banks, as authorized by their respective Acts of incorporation; But no such by-law shall be valid until confirmed by a majority of such of the shareholders as shall be present in person or by proxy at a special general meeting of the shareholders of the amalgamated bank called for that purpose.

Head office.

7. The indenture of union, hereinbefore mentioned, may provide for the place where the head or principal office of the amalgamated bank shall be situate, and may also contain provisions for the removal of such principal office from time to time.

Effect of amalgamation on shareholders.

8. Immediately upon the union or amalgamation of the said bank taking place, the shareholders of the respective banks so amalgamating shall (*ipso facto*) become the shareholders of the said amalgamated bank in the amounts and according to the relative values of the stocks of the amalgamated banks, as provided for and set forth in the said indenture of union :

2. And notwithstanding any thing to the contrary contained in the several Acts of incorporation relating to the said banks, each share in the capital stock of the said united corporation shall entitle the holder thereof to one vote at all general meetings of the shareholders of the said bank, unless he shall be in default, in respect of any calls upon such share; Scale of Votes.

3. And thereupon also all the estate and effects, real and personal rights, property, credits, choses in action, claims and demands of whatsoever nature or quality, or wherever situate of each of the amalgamating banks shall forthwith become vested in the said amalgamated corporation, its successors and assigns, as for its own use and benefit absolutely, and it may in its own name, sue for, collect and get in, any, or any part of the said estate, rights or effects; Property, &c., of amalgamating Banks.

4. And the said amalgamated corporation shall forthwith also become subject and liable to pay and discharge all of the debts obligations, bills, promissory notes or other liabilities of each of the said amalgamated banks, and may be directly sued and proceeded against in respect thereof, as fully and effectually as if the same were originally, and they shall be taken and construed so to be the debts, obligations, promissory notes and liabilities of the said amalgamated corporation; Debts and liabilities.

9. The amalgamation taking effect as hereinbefore provided shall in no way release, affect or discharge the liability or obligation of any surety to any or either of the amalgamating banks, for or in respect of any bill, debt, claim, service, employment or matter, or thing whatsoever, but the said liability and obligation shall continue in full force and effect, and shall be taken and construed to be a liability or obligation in favour of the said amalgamated corporation, as if the same had been originally and directly given to or entered into with the said last mentioned corporation. Liability of Sureries to either Bank

CLAUSES AS TO WINDING UP.

10. In the event of the Royal Canadian Bank not being able to resume its business, or in case no such amalgamation takes place as hereinbefore provided, then it shall and may be lawful at any special general meeting of shareholders held within ninety days from the passing of this Act to provide for its winding up, and the liquidation of its liabilities by the execution, within the said period of ninety days, of a deed of assignment of all its estate and effects to three trustees to be named therein, such deed and assignment to be in the form of schedule A, to this Act, and the said trustees and their successors shall be deemed and taken to be a body corporate, and by the name of the "Trustees of the Royal Canadian Bank" may have, hold, take, receive, grant, alien, assign, transfer, release and convey all or any part of the said trust, estate and effects, and by the same name may bring or defend any action, suit or proceeding, and do, execute or perform any act, deed, Proceedings for liquidation, and winding up if the Bank cannot resume or amalgamate. Assignment.

deed, matter or thing, which they may think necessary in the performance or execution of the trusts of the said assignment; but notwithstanding any such incorporation, in any action, suit or proceeding brought or prosecuted by the said trustees, they shall not possess any other or different or higher rights or remedies than the bank would have had, if suing in its own name.

Proviso.

How trustees shall be appointed.

11. The trustees to be named in the said deed of assignment shall be nominated as follows: two thereof by the shareholders of the said bank at the meeting provided for in the last preceding section at which the winding up of the said bank is determined upon, and the third of the said trustees shall be appointed to represent the interests of the creditors of the said bank by the Court of Chancery or a Judge thereof and such appointment shall be made upon the summary application of the said bank to such court or judge, but notice of such application shall be given to the creditors of the said bank in such manner as the court or judge may direct; and the court or judge may direct in what manner the creditors by classes or otherwise may be represented upon such application: If however at the time of the meeting of the said shareholders at which such winding up is determined upon, the liabilities of the said bank shall have been reduced to within the sum of five hundred thousand dollars, then the said third trustee shall also be appointed at the aforesaid meeting of the said shareholders and the provision hereinbefore contained with respect to the appointment of such third trustee by the Court of Chancery or a judge thereof shall be and become inoperative.

Provision if the liabilities be reduced to less than $500,000.

What powers and duties the Deed of Assignment shall be held to vest in the Trustees.

12. Such deed of assignment shall be construed to contain the following special provisions:

Continuing business.

1. The said trustees shall have power to carry on or continue so much of the operations of the bank as may be necessary for the beneficial winding up of the same;

Selling property of the Bank.

2. To sell the real and personal, mixed and moveable property, effects and things in action of the bank by public or private contract, with power if they think fit, and upon the concurrence of a majority of the shareholders present in person or by proxy, at any special general meeting to be called for such purpose (and provided that by the terms of such sale, the payment in full of the claims of all of the creditors shall not be deferred beyond the period of six months thereafter), to sell and transfer all of the said estate and effects to any bank or banks upon such terms and conditions as may be agreed upon, and in such case the execution by the said trustees of a deed in the form and to the effect set forth in schedule B to this Act, shall be deemed and taken to vest in such purchasing bank all such estate and effects, and such deed shall and may be validly registered in any registry office with respect to lands by the production and filing of a duplicate thereof, with a memorandum or schedule thereunder or annexed thereto of the particular lands or

real

real estate lying within the limits for which such office is the proper office for registry;

3. To execute on behalf of the bank and in their name as trustees all deeds, receipts and documents they may think necessary; Executing deeds.

4. To refer disputes to arbitration and to compound claims, also to renew or extend the time of payment of bills or debts payable to the bank; Arbitration.

5. To do or execute in the name of the bank or otherwise, all such other things as may be necessary for the winding up of the affairs of the bank and distributing its assets; Other matters.

6. It shall be the duty of the trustees to deposit day by day all current moneys received by them in one or more of the incorporated or chartered banks, and no amount shall be withdrawn therefrom, except upon the cheque of at least two of the trustees. Depositing monies received.

7. The trustees may appoint such accountants, book-keepers and others as may be necessary to assist in the winding up of the trust estate and may pay them reasonable salaries and remuneration therefor; Appointing accountants, &c.

8. The trustees shall make up a balance sheet and statement of the affairs of the trust at least once in every month until the estate is wound up, and such statement shall be published at least once in every month until the estate is wound up and such statement shall be published at least once on the expiration of each month in one of the daily newspapers published at the City of Toronto; Making monthly statements.

9. The trustees shall from time to time and at the earliest times possible declare and pay dividends to the creditors of the said bank rateably and in proportion to their respective claims, and shall upon demand in exchange for other vouchers, issue certificates bearing interest at the rate of six per cent per annum of the amount due to any creditor; Declaring dividend.

10. The trustees shall after payment in full of the claims of creditors pay, divide or apportion (as the case may be), any of the remaining assets of the said bank or residue of the trust estate unto and amongst the shareholders of the said bank, according to the amount of shares held by them respectively and any of such assets may be sold or valued and apportioned specifically; Dividing surplus assets.

11. The trustees shall meet at least once in every two weeks, and at any time any two of them upon six days' notice to the other may convene and hold any special meeting; Meeting of Trustees.

12. The trustees shall semi-annually on the first Wednesday in the month of May and November in each year, at a general

 meeting

meeting of the creditors and shareholders to be held at noon, at the principal office of the said bank submit a full statement of the affairs and position of the said trust estate.

Effect of execution of deed of assignment.

13. Immediately upon the execution of the said deed of assignment, all of the estate and effects of the said bank shall become vested in the said trustees and for the purposes mentioned in the said assignment and according to the provisions thereof, and it shall be unnecessary to file or register any copy of the said deed in any office for filing or registry with respect to real or personal property in Canada, but the said deed may at any time be validly registered in any registry office, with respect to lands by the production and filing of a duplicate thereof with a schedule or memorandum thereunder, or annexed thereto of the particular lands within the limits of such registry office.

Registration.

Power to stay proceedings in certain cases.

14. It shall be in the discretion of the Court, in which any legal proccedings are pending against the said bank, or any Judge thereof, upon the application of the said bank or the trustees thereof showing a valid assignment under this Act and that the prosecution of such proceedings would give or tend to give an unjust preference, to the Plaintiff or Plaintiffs in such proceedings or be otherwise unnecessarily prejudicial to the interests of the general body of creditors, to stay such proceedings upon such terms as such Court or Judge may see fit.

Deeds, &c., how executed.

15. All deeds, bills, notes, cheques, certificates, vouchers or other documents necessary to be executed or given by the trustees shall be signed by at least two of the said trustees.

Remuneration of trustees.

16. The trustees shall be entitled to receive such remuneration in equal proportion and in such manner as the shareholders may from time to time determine upon.

Proceedings when the claims of creditors are reduced to less than $100,000.

17. Whenever the claims of all of the creditors of the said bank shall have been paid in full, or reduced to less than the sum of one hundred thousand dollars, the trustee if any appointed as the representative of the creditors by the Court of Chancery or a judge thereof shall thereupon vacate his said office and the remaining trustees shall thereupon appoint a third trustee in his place, who shall remain and continue such trustee until the special general meeting of the shareholders of the said bank, which shall be convened by the said trustees, immediately after such appointment and at which a majority of the stockholders present in person or by proxy, may nominate and appoint such third trustee; And in case of any vacancy in the number of the trustees at any time arising by death, resignation or any cause, when such vacancy shall occur with respect to any trustee appointed by the shareholders of the said bank, the remaining or surviving trustee or trustees appointed by the said shareholders, shall thereupon appoint any competentperson to fill such vacancy, until at a special or other general

Vacancy among Trustees how supplied.

general meeting of the shareholders of the said bank, a majority of the shareholders present in person or by proxy shall appoint the trustee to fill such vacancy and when such vacancy shall occur with respect to the trustee appointed by the Court of Chancery or a Judge thereof as aforesaid, then it shall be the duty of the remaining or surviving trustees to apply to the said court or a judge thereof for the appointment of a competent person to fill such vacancy, and the procedure upon such application shall be similar to that hereinbefore prescribed with respect to the original appointment of the third trustee.

18. Any creditor over the sum of ten thousand dollars, or any number of creditors whose claims jointly exceed the sum of ten thousand dollars, or any stockholder holding shares to the number of two hundred at least, or any number of stockholders holding shares to the number of two hundred, may from time to time apply in a summary manner, to the Court of Chancery, upon notice to the trustees in respect of any matter or thing connected with the management of the said trust, or with the disposition of the proceeds of the said trust estate or in respect of any matter or thing connected therewith, and obtain the order and direction of the court or judge thereupon, and such order may be enforced in the same manner as the decrees or orders of the said court; and any such order may amongst other things, require the said trustees to submit statements and accounts of the said trust estate and the management thereof, and may direct the removal of any one or more of the said trustees, and the appointment of new trustees and may generally be to the purport or effect which in the discretion of the said court or judge shall seem meet. Proceedings of creditors in Court of Chancery for obtaining directory orders to be Trustees.

19. The trustees may from time to time apply to the Court of Chancery or a judge thereof, in Chambers, in a summary way, and obtain its direction on any matter connected with the management of the said trust, or the disposition of the said trust estate or in respect of any other matter or thing connected therewith, and such order shall be an effectual protection and authority to the said trustees against any personal liability or further responsibility; But, upon any application the said court or judge may require that one or more of the creditors and one or more of the shareholders, or one or more of either class shall be present on behalf of their respective interests. Trustees may obtain direction of Court of Chancery.

20. Nothing in this Act contained respecting the winding up of the said bank, shall in any wise affect or vary the liability of any shareholder in the said bank, to any present creditor thereof, or the rights or remedies of any such creditor. Liability of Shareholders not effected.

21. This Act may be cited and known as "The Royal Canadian Bank Act, 1869." Short title.

SCHEDULE A.

SCHEDULE A.

This indenture made between the Royal Canadian Bank, a corporation of the first part and
the trustees of the Royal Canadian Bank of the second part, witnesseth that under the provisions of the Act of the Parliament of Canada, passed, &c., intituled, &c. The Royal Canadian Bank doth grant, transfer and assign to the said trustees, their successors and assigns, all the Bank's estate and effects, real and personal, of every nature and kind whatsoever, and wherever situate;

To have and to hold the same according to the respective estates, natures and qualities thereof, unto the use of the said trustees, their successors and assigns, upon the trust and for the purposes, and with the powers and authorities mentioned in the said recited Act.

SCHEDULE B.

This indenture made this day of between the Trustees of the Royal Canadian Bank
of the first part, and the Royal Canadian Bank of the second part, witnesseth, that under the provisions of the Act of the Parliament of Canada, passed, &c., intituled, &c., the parties of the first part do grant, transfer and assign, unto the party of the second part, its successors and assigns, all the estate and effects, real and personal, of every nature and kind whatsoever, and wherever situate, belonging to the trust estate of the Royal Canadian Bank; To have and to hold the same, unto, and to the use of the party of the second part, its successors and assigns forever.

The parties of the first part, covenant with the parties of the second part for further assurance.

CAP. LIX.

An Act to incorporate the "Merchants' Bank of Halifax."

[*Assented to 22nd June,* 1869.]

Preamble. WHEREAS the Honorable Edward Kenny, William Cunard, Thomas C. Kinnear, James Merkell, John Tobin, Thomas E. Kenny, Jeremiah Northup and James B. Duffus, have by their petition prayed that they might be incorporated for the purpose of establishing a bank in the city of Halifax, in the Province of Nova Scotia, and whereas it is desirable to grant the prayer of their petition: Therefore, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

1.

Certain persons incorporated.

1. The several persons hereinbefore named and such other persons as shall become shareholders in the corporation to be by this Act created and their assigns, shall be and they are hereby constituted and declared to be a corporation body corporate and politic by the name of the "Merchants' Bank of Halifax," and shall have power to acquire and hold real and immovable estate for the management of their business not exceeding in annual value five thousand dollars, and may sell, alienate or exchange the same and acquire other instead.

Corporate name and real estate.

Board of Directors.

2. The business of the Corporation shall be under the management of a President and not more than eight directors, and such other officers as may be found necessary.

Capital Stock, and when to be paid up.

3. The capital stock of the Bank hereby incorporated shall be one million of dollars, divided into ten thousand shares of one hundred dollars each, and two hundred thousand dollars of the said stock shall be subscribed for and paid up before the first day of November next, and a further sum of one hundred thousand dollars of the said stock shall be subscribed for and paid up at such time not later than the first day of November, one thousand eight hundred and seventy, as the directors shall appoint, and the remainder thereof, at such time or times as shall be prescribed by future legislation in that behalf, but no instalment shall in any case be called in unless thirty days' previous notice shall have first been given, in two at least of the newspapers published in Halifax, of the time and place appointed for the payment of instalments.

First General Meeting for electing Directors, &c.

4. Whenever two hundred thousand dollars of the capital stock shall have been paid in, before which no one shall have a right to vote for any purpose, nor shall the bank begin business, a general meeting of the members and stockholders of the corporation, or the major part of them, shall take place by notice in two or more of the newspapers published in the City of Halifax, ten days previous to such meeting, for the purpose of organizing the said bank, and of making, ordaining and establishing such by-laws, ordinances, and regulations, for the good management of the affairs of the said corporation, as the members and stockholders of the said corporation shall deem necessary, and also for the purpose of choosing directors, not exceeding nine in number, being stockholders and members of the corporation, under and in pursuance of the rules and regulations hereinafter made and provided; which directors so chosen shall choose out of their number a President, and they shall have full power and authority to manage the concerns of the corporation, and shall commence the operations of the said bank, subject, nevertheless, to the rules and regulations hereinafter made and provided; and at such general meeting the members and stockholders of the said corporation, or the major part of them, shall determine the mode of transferring and disposing of the stock and profits thereof, which being entered on the books of the corporation shall be binding on the stockholders, their successors and assigns until altered at any other general meeting of the stockholders.

Powers of Directors. Election of President, &c.

5.

Retirement of Directors.

5. Three of the directors shall annually go out of office in rotation but the three directors so retiring shall be eligible for re-election.

Annual General Meeting.

6. A general meeting of the stockholders and members of the said corporation shall be annually holden on the second Wednesday of March in each year at Halifax, at which annual meeting all vacancies in the board of directors shall be filled up, and after the election of directors in the place of those who shall have gone out of office by rotation or otherwise, the directors shall annually choose one of their number as President for the ensuing year, or until another is chosen in his room. In the choice of directors the stockholders shall vote according to the rule hereinafter mentioned.

Votes.

Appointment of Officers, &c.

7. The directors shall have power to appoint such officers, clerks and servants as they shall think necessary for executing the business of the corporation, and shall allow them such compensation for their respective services as to the directors shall appear reasonable, all which, together with the expenses of buildings, house rent, and all other contingencies shall be defrayed out of the funds of the corporation and the said directors shall likewise exercise such other powers and authorities for the well regulating the affairs of the corporation as shall be prescribed by the by-laws and regulations of the same.

Quorum of Directors.

8. The business of the corporation shall be transacted by such number of the directors as shall be determined on by the stockholders and specified in the by-laws, and of whom the President shall always be one, but in case of sickness and necessary temporary absence, the directors present may choose one of their board as chairman in his stead; the President, or such chairman, shall vote at the board as a director, and in case of there being an equal number of votes for or against any question before them, the President or chairman shall also have a casting vote.

Casting Vote.

Qualification of Directors.

9. No person shall be eligible as or continue to be a director unless such person is a stockholder, and holding and owning not less than fifty shares of the capital stock of the corporation, and upon whose shares all instalments called in shall have been fully paid; and no person shall be eligible for or continue to be a director of the corporation who is a director or a co-partner in trade of a director of any other bank whatsoever; And if any director of the said corporation, shall, while he is in office, cease to hold fifty shares in the said stock, or shall become a director or a co-partner in trade of a director in any other bank whatsoever, such director of the said corporation shall forthwith go out of office and cease to be a director, and another director shall be chosen in his stead as hereinafter directed.

Directors ceasing to be qualified to go out.

Security to be given by Officers.

10. Every cashier and clerk of the corporation before he enters upon the duties of his office, shall give bonds, with two or more sureties,

sureties, to be approved by the said directors, that is to say: every cashier in a sum not less than forty thousand dollars, with a condition for his good and faithful behavior, and every clerk with the like condition and sureties in such sum as the directors shall deem adequate to the trust reposed in him.

11. The number of votes which each stockholder shall be entitled to on every occasion, when in conformity with the provisions of this Act, the votes of the stockholders are to be given, shall be in the following proportion, that is to say: for one share and less than five, one vote; for five shares and less than ten, two votes; for ten shares and less than twenty, three votes; for twenty shares and less than thirty, five votes; for thirty shares and less than forty, six votes; and for forty shares and all shares above that number, eight votes, which shall be the greatest number that any stockholder shall be entitled to have; provided that the shareholders of the said bank shall have power by any by-law or by-laws to be passed at any annual or special meeting to be called for that purpose to alter the scale of voting for the election of Directors and on any question on which the shareholders may require to vote, to one vote for every share of Capital Stock held by any shareholder in the said bank, provided such by-law be concurred in by an absolute majority of the entire number of the votes then held by the shareholders according to the present scale of voting; and that the purpose of such meeting shall be specially indicated in the notice calling the same. Scale of votes. Proviso: scale of voting may be altered by shareholders at general meetings.

12. All stockholders resident within Canada, or elsewhere, may vote by proxy, provided that such proxy be a stockholder and do produce sufficient written authority from his constituent or constituents so to act, provided also that no person shall hold more than three proxies. Proxies.

13. The directors may fill up any vacancy that shall be occasioned in the office of President, or in the board of directors by the death, removal, resignation, or absence from Canada for three months, or any incapacity of the President or any of their members, and the persons so chosen by the directors shall serve until the next succeeding annual meeting of the stockholders. Vacancies in Board of Directors.

14. So soon as the sum of two hundred thousand dollars shall have been actually paid in on account of the subscriptions to the stock, notice thereof shall be given in two at least of the newspapers published in Halifax and in the Canada Gazette, and the directors may commence the operations and business of the bank; but no bank bills or bank notes shall be issued or put in circulation, or any bill or note discounted at the bank until the sum of two hundred thousand dollars shall be actually paid in and received on account of the subscriptions to the capital stock of the bank. Commencement of operations. Proviso: as to issue of Bank notes.

15.

Transfer of Shares.

15. The shares of the capital stock shall be assignable and transferable according to the rules and regulations that may be established in that behalf, but no assignment or transfer shall be valid or effectual unless such assignment or transfer shall be entered and registered in a book to be kept for that purpose by the directors, nor until the person or persons, so making the same, shall previously discharge all debts actually due and payable to the corporation, and such stock shall be a pledge for any debt that may become due by the holder thereof to the bank, and be disposed of as other stock pledged to the bank, and in no case shall any fractional part of a share, or any other than a complete share or shares, be assignable or transferable; And whenever any stockholder shall transfer, in the manner aforesaid, all his stock or shares in the bank, or the same shall be transferred by act of law to any person or persons whomsoever, he shall cease to be a member of the corporation.

Lien of the Bank on stock.

What real estate the Bank may hold.

16. Except as herein provided the said Corporation shall not, either directly or indirectly hold any lands or tenements, (save only such as by the first section of this Act they are specially authorized to acquire and hold), or any ships or other vessels or any share or shares in the stock of the Corporation, nor in any bank in Canada, nor shall the said Bank, either directly or indirectly, lend money or make advances upon the security or mortgage of any lands or tenements, or of any ships or other vessels, nor upon the security or pledge of any share or shares of the capital stock of the said Bank, nor shall the said Bank, either directly or indirectly, raise loans of money, or deal in the buying or selling or bartering of goods, wares and merchandize, or engage or be engaged in any trade except as dealers in gold and silver bullion, bills of exchange, discounting of promissory notes, and negotiable securities, and in all such trade generally, as legitimately appertains to the business of banking; Provided always, that the Act of the Parliament of Canada, passed in the thirty-first year of Her Majesty's reign, intituled: "An Act respecting Banks," shall apply and extend to the Bank hereby incorporated, as fully and completely as though the provisions thereof had been included in and formed part of this Act.

Business of the Bank.

Proviso: Act respecting Banks, 31 V. c. 11, to apply.

Dividends.

17. The directors shall make half-yearly dividends of so much of the profits, rents, premiums and interest of the corporation, as shall appear to them to be advisable, payable at such time and place as the directors shall appoint, of which they shall give thirty days previous notice in at least two of the newspapers published at Halifax; but the directors shall not be compelled to make or declare any dividend at any earlier period than one year from and after the passing of this Act, unless they shall think it expedient to make and declare a dividend at any earlier period.

Inspection of Books, &c.

18. The books, papers, correspondence and funds of the corporation shall at all times be subject to the inspection of the directors

tors; but no shareholder, not a director, shall inspect any books or the account of any individual with the corporation.

19. The bank shall be kept and established at Halifax, or at such other place as the board of directors may think it necessary to remove the bank to, on account of any great emergency for the security thereof. Chief seat of business.

20. Any number of the stockholders, not less than twenty, who together shall be proprietors of five hundred shares shall have power at any time, by themselves or their proxies, to call a general meeting of the stockholders for purposes relating to the business of the corporation, giving at least thirty day's previous notice, in at least two newspapers published at Halifax, specifying in such notice the time and place of such meeting, with the objects thereof, and the directors, or any four of them, shall have the like power at any time, upon observing the like formalities, to call a general meeting as aforesaid. Special general meetings, how called, &c.

21. On any dissolution of the corporation, immediate and effectual measures shall be taken by the directors then in office for closing all the concerns of the corporation, and for dividing the capital and profits which may remain among the stockholders, in proportion to their respective interests; provided always, that notwithstanding such dissolution, it shall and may be lawful to use the corporate name, style, and capacity for the purpose of suits, for the final settlement and liquidation of the affairs and accounts of the corporation, and for the sale and disposition of the estate, real and personal and mixed, thereto belonging, but not for any other purpose or in any other name whatsoever, nor for a period exceeding four years after such dissolution; and the directors in office at the happening thereof shall, during those four years, if necessary, continue in office, and be charged with, and shall take effectual measures for closing the concerns of the corporation, and dividing the remaining capital and profits among the stockholders, according to their respective interests therein. Proceedings on dissolution of Corporation. Proviso: as to powers for winding up the business.

22. The aggregate amount of discounts and advances, made by the said corporation upon commercial paper or securities bearing the names of Directors or officers, or the co-partnership names or firms of Directors of the said corporation, shall not at any one time exceed one tenth of the total amount of discounts or advances made by the corporation at the same time. Advances to Directors limited.

23. It shall and may be lawful for the Corporation, in discounting promissory notes, or other negotiable securities, to receive or retain, the discount thereon at the time of the discounting or negotiating the same, any law or usage to the contrary notwithstanding. Discount, how reckoned.

24. The bonds, obligations and bills, obligatory and of credit of the said Bank, under its common seal, and signed by the President, Form of Bonds, Bills, &c., of the

Bank, and how transferable.

President, which shall be made payable to any person or persons, shall be assignable by endorsement thereon, under the hand or hands of such person or persons, and of his, her or their assignee or assignees, and so as absolutely to transfer and vest the property thereof in the several assignees successively, and to enable such assignee or assignees to bring, on due acceptance, an action or actions thereupon, in his, her or their name or names, and signification of any such assignment by endorsement shall not be necessary, any law or usage to the contrary notwithstanding; and bills and notes of the said Bank, signed by the President, and countersigned by the cashier of the said Bank, promising the payment of money to any person or persons his, her or their order or to the bearer, though not under seal of the said Bank, shall be binding and obligatory on the same, with the like force and effect and in the same manner as they would upon any private person or persons if issued by him, her or them, in his, her or their private or natural capacities, and shall be assignable or negotiable in the like manner as if they were so issued by such private person or persons; Provided always, that nothing in this Act contained, shall be held to debar the Directors of the said Bank from authorizing or deputing from time to time any officer of the Bank or any Director other than the President, to sign, and any accountant or book-keeper of the said Bank, in the stead of the cashier to countersign the bills and notes of the said Bank intended for general circulation and payable to order or to bearer on demand.

Bills, &c., not be under seal.

Proviso: officer may be appointed to sign bills, &c.

Suspension of specie payment for 60 days to forfeit charter.

25. A suspension by the said corporation of payment on demand, in specie, of the notes or bills of the said corporation, payable on demand, shall, if the time of suspension extend to sixty days consecutively or at intervals, within any twelve consecutive months, operate as and be a forfeiture of this Act of Incorporation, and all and every the privileges hereby granted.

Indebtedness of Bank limited.

26. The total amount of the debts which the said corporation shall at any time owe, whether by bond, bill, note or otherwise, shall not exceed three times the aggregate amount of the capital stock paid in, and the deposits made in the Bank in specie and Government securities for money; and at no one period after the passing of this Act shall the notes or bills of the Bank payable on demand to bearer, exceed the amount of the actually paid up capital stock of the corporation, and the gold and silver coin and bullion and debentures or other securities reckoned at par, issued or guaranteed by the Government of Canada, held by the corporation; and in case of excess, the said corporation shall forfeit this Act of Incorporation and all the privileges hereby granted; and the Directors under whose administration the excess shall happen, shall be liable jointly and severally for the same, in their private capacities, as well to the Shareholders as to the holders of the bonds, bills and notes of the corporation; and an action or actions in this behalf may be brought against them, or any of them, and the heirs, executors, administrators or curators of them, or any of them, and be prosecuted to judgment and execution according to law,

Forfeiture for excess: liability of Directors.

law, but such action or actions shall not exempt the corporation, or their lands, tenements, goods or chattels from being also liable for such excess; Provided always, that if any Director present at the time of contracting any such excess of debt, do forthwith, or if any Director absent at the time of contracting any such excess of debt, do within twenty-four hours after he shall have obtained a knowledge thereof, enter on the minutes or register of proceedings of the corporation, his protest against the same, and do, within eight days thereafter publish such protest in at least one newspaper published in the city of Halifax, such Director may thereby, and not otherwise, exonerate and discharge himself, his heirs, executors and administrators or curators, from the liability aforesaid, anything herein contained or any law to the contrary notwithstanding; And provided always, that such publication shall not exonerate any Director from his liability as a Shareholder.

Proviso: how a Director may prevent such liability.

Proviso.

27. In the event of the property and assets of the Corporation becoming insufficient to liquidate the liabilities and engagements or debts thereof, the Shareholders of the said Bank in their private or natural capacities, shall be liable and responsible for the deficiency, but to no greater extent than to double the amount of their capital stock, that is to say, the liability and responsibility of each Shareholder shall be limited to the amount of his or her share or shares of the said capital stock, and a sum of money equal in amount thereto; Provided always, that nothing in this section contained shall be construed to alter or diminish the additional liabilities of the Directors of the corporation hereinbefore mentioned and declared.

Double liability of shareholders in certain cases.

Proviso.

28. The Directors shall make up and publish on the first day of each month in every year, statements of the assets and liabilities of the said Bank, in the form of the Schedule A. hereunto annexed, shewing under the heads specified in the said form, the average of the amount of the notes of the Bank in circulation and other liabilities at the termination of each month during the period to which the statement shall refer, and the average amount of specie and other assets that at the said time were available to meet the same; and it shall also be the duty of the Directors to submit to the Governor a copy of each such monthly statement; and if by him required to verify all or any part of the said statements, the said Directors shall verify the same by the production of the weekly or monthly balance-sheets, from which the said statements shall have been compiled; And furthermore, the said Directors shall from time to time, if required, furnish to the said Governor, such further information as such Governor may reasonably see fit to call for; Provided always, that the Directors shall not, nor shall anything herein contained be construed to authorize them or any of them, to make known the private account or accounts of any person or persons whatever having dealings with the said Bank.

Monthly statements to be published; what to show.

Copy to Governor, and further information if required.

Proviso: as to private accounts.

29. It shall not be lawful for the corporation hereby constituted, at any time whatever, directly or indirectly, to advance or lend to

Bank not to loan money to any

foreign State, &c. to, or for the use of or on account of any foreign Prince, Power or State, any sum or sums of money or any securities for money: and if such unlawful advance or loan be made, then and from thenceforth the said corporation shall be dissolved, and all the powers, authorities, rights, privileges and advantages hereby granted shall cease and determine; anything in this Act to the contrary notwithstanding.

Bank may require evidence of transmission of stock, otherwise than by transfer.

30. If the interest in any share in the said Bank becomes transmitted in consequence of the death or bankruptcy or insolvency of any shareholder, or in consequence of the marriage of a female shareholder, or by any other lawful means than by a transfer according to the provisions of this Act, the Directors may require such transmission to be authenticated by a declaration in writing, as hereinafter mentioned, or in such other manner as the Directors of the Bank shall require; and every such declaration or other instrument so signed, made and acknowledged, shall be left at the Bank, with the cashier or other officer or agent of the Bank, who shall thereupon enter the name of the party entitled under such transmission, in the Register of Shareholders, and until such transmission shall have been so authenticated, no party or person claiming by virtue of any such transmission, shall be entitled to receive any share of the profits of the Bank nor to vote in respect of any such share or shares as the holder thereof; Provided always, that every such declaration and instrument, as by this and the following section of this Act is required to perfect the transmission of a share of the Bank, and as shall be made in any other country than in this or some other of the British Colonies in North America, or in the United Kingdom of Great Britain and Ireland, shall be further authenticated by the British Consul or Vice Consul, or other the accredited representative of the British Government, in the country where the declaration shall be made, or shall be made directly before such British Consul or Vice Consul, or other accredited representative; and provided also that nothing in this Act contained shall be held to debar the Directors, cashier or other officer or agent of the Bank from requiring corroborative evidence of any fact or facts alleged in any such declaration.

Proviso: before whom declaration may be made, &c.

Proviso: further evidence may be required.

If the transmission be by marriage of female shareholder.

31. If the transmission of any share of the Bank be by virtue of the marriage of a female shareholder, the declaration shall contain a copy of the register of such marriage or other particulars of the celebration thereof, and shall declare the identity of the wife with the holder of such share, and if the transmission have taken place by virtue of any testamentary instrument or by intestacy, the probate of the will or the letter of administration or of tutorship or curatorship, or an official extract therefrom, shall, together with such declaration, be produced and left with the cashier or other officer or agent of the Bank, who shall then enter the name of the party entitled under such transmission in the Register of Shareholders.

32.

32. The Bank shall not be bound to see to the execution of any trust, whether express, implied or constructive, to which any of the shares in the Bank may be subject, and the receipt of the party in whose name any such share shall stand in the books of the Bank, or if it stand in the names of more parties than one, the receipt of one of the parties, shall from time to time be a sufficient discharge to the Bank for any dividend or other sum of money payable in respect of such share, notwithstanding any trust to which such share may then be subject, and whether or not the Bank have had notice of such trust, and the Bank shall not be bound to see to the application of the money paid upon such receipt, any law or usage to the contrary notwithstanding.

Bank not bound to see to execution of trust on stock.

33. The Corporation shall, on the fifteenth day of November next, and on each fifteenth day of May, and each fifteenth day of November thereafter, deliver to the Receiver-General a statement of the total amount in nominal value of the bank notes issued by it and in circulation at the end of each month after it shall begin to issue notes, attested in like manner, in like form and under the like provisions and penalties as are provided with respect to banks in the Provinces of Ontario and Quebec, by chapter twenty-one, of the Consolidated Statues of Canada with respect to Banks in the said Provinces, and shall, at the time of delivering such statement, pay to the Receiver-General a duty at the rate of one per cent per annum on the average amount by which the bank notes therein mentioned as in circulation during the period for which the statement is made, have exceeded the average amount of gold and silver coin or bullion which the Bank has had on hand during the said period, in the manner and under the provisions in and under which the Banks in the Provinces of Ontario and Quebec are by the said Act bound to pay a like duty.

Half-yearly statement to Receiver General, as to notes issued by the Bank.

Duty payable on average amount in circulation.

34. Nothing in this Act contained shall affect the operation of Chapter eighty-three of the revised statutes of Nova Scotia, intituled "Of Currency;" but on the contrary the limitations thereby imposed restricting the circulation of the bank to notes not under $20 in value shall apply to the corporation hereby created.

Cap. 83 of Rev. Stat. of N. S. to apply.

35. This Act shall continue and be in force until the first day of June, which will be in the year one thousand eight hundred and seventy, and from thence to the end of the then next session of the Parliament of Canada.

Duration of this Act.

36. This Act and the powers and privileges hereby conferred shall be subject to any future legislation which may take place, and no general Act whereby any privileges hereby conferred may be affected, or impaired, shall be deemed a violation of the Charter of the said Bank.

Bank subject to future legislation.

FORM

FORM OF SCHEDULE A.

Referred to in the 28th Section of the foregoing Act.

"Return of the average amount of the liabilities and assets of the Merchants" Bank of Halifax during the period from first to one thousand eight hundred and

LIABILITIES.

Promissory Notes in circulation not bearing interest......	$
Bills of Exchange in circulation not bearing interest.....	$
Bills and notes in circulation bearing interest............	$
Balances due to other Banks..................................	$
Cash deposits, not bearing interest..........................	$
Cash deposits, bearing interest...............................	$
Total average Liabilities...	$

ASSETS.

Coin and bullion..	$
Landed or other property of the Bank........................	$
Government Securities..	$
Promissory notes or bills of other Banks..................	$
Balances due from other Banks...............................	$
Notes and bills discounted.....................................	$
Other debts due to the Bank, not included under the foregoing heads..	$
Total average Assets...	$

CAP. LX.

An Act to incorporate the Dominion Bank.

[*Assented to 22nd June,* 1869.]

Preamble.

WHEREAS John Worthington, James Crowther, John Crawford, M. P., The Honorable J. C. Aikens, Walter Sutherland Lee, Joseph Gould, The Honorable John Ross, James Holden and Aaron Ross, and others, have by their Petition prayed that they and their legal representatives might be incorporated for the purpose of establishing a Bank in the city of Toronto; and whereas it would be conducive to the general prosperity of that section of the country and greatly facilitate and promote the agricultural and commercial growth of the said locality; and whereas it is but just that the said persons and others who see fit to associate themselves should be incorporated for the said purpose: Therefore, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

1.

1. The several persons hereinabove named, and such other persons as may become Shareholders in the Company to be by this Act created, and their assigns shall be and they are hereby created, constituted and declared to be a Corporation, body corporate and politic by the name of "The Dominion Bank" and shall continue such Corporation, and shall have perpetual succession and a corporate seal, with power to alter and change the same at pleasure, and may sue and be sued, implead or be impleaded in all Courts of Law as other corporations may do, and shall have the power to acquire and hold real and immoveable estate for the management of their business, not exceeding the yearly value of ten thousand dollars currency.

Certain persons incorporated.

Corporate name and general powers.

Real property limited.

2. The capital stock of the said Bank shall be one million of dollars of lawful money of Canada, divided into twenty thousand shares of fifty dollars of lawful money aforesaid each, which said shares shall be, and are hereby vested in the several persons who shall subscribe for the same, their legal representatives and assigns.

Capital $1,000,000 in shares of $50.

3. For the purpose of organizing the said Bank, the persons hereinbefore mentioned and hereby incorporated shall be provisional Directors thereof; and they, or the majority of them, may cause stock books to be opened, after giving due public notice thereof, upon which stock-books may be recorded the subscriptions of such persons as desire to become shareholders in the said Bank; and such books shall be opened at Toronto and elsewhere at the discretion of the said provisional Directors, and as long as they deem necessary; and as soon as the sum of four hundred thousand dollars of the said capital stock shall have been subscribed, and one hundred thousand dollars actually paid in to some one of the present Chartered Banks in Canada thereupon, it shall and may be lawful for the said provisional directors to call a meeting of subscribers to be held at some place to be named, in the city of Toronto, for the purpose of proceeding to the election of the number of Directors for the said Bank hereinafter mentioned; and such election shall then and there be made by a majority of shares voted upon in the manner hereinafter prescribed in respect of the annual election of Directors, and the persons then and there chosen shall be the first Directors, and shall be capable of serving until the first Wednesday of May then next ensuing the said election: Provided always that no such meeting of the said subscribers shall take place until a notice specifying the objects of such meeting is published in one or more newspapers, published in the city of Toronto, at least twenty days previous to such time of meeting.

Provisional Directors named, who shall open stock books.

First General Meeting when $400,000 are subscribed and $100,000 paid in.

Election of Directors.

Term of service.

Proviso: notice to be given.

4. The shares of capital stock subscribed for, shall be paid in and by such instalments, and at such times and places as the said Directors shall appoint; and Executors, Administrators and Curators paying instalments upon the shares of deceased Shareholders, shall be and they are hereby respectively indemnified for paying the same: Provided always, that no share or shares shall

Shares to be paid in by instalments.

Proviso: ten

per cent. to be paid on subscribing. $100,000 to be paid in before commencing. The remainder to be paid within a certain time.

shall be held to be lawfully subscribed for, unless a sum equal at least to ten per centum on the amount subscribed for, be actually paid at the time of subscribing; Provided further, that it shall not be lawful for the subscribers of the capital stock hereby authorized to be raised, to commence the business of Banking, until a sum not less than one hundred thousand dollars shall have been duly paid in to some one of the present Chartered Banks in Canada by such subscribers; Provided further, that the whole of the said capital stock shall be subscribed and paid up within four years from the organization of the said Bank under this Act.

Affairs to be managed by seven Directors to be elected yearly by votes of shareholders. Notice to be given. Ballot and proxies. Ties at elections.

5. The stock, property, affairs and concerns of the said Bank shall be managed and conducted by seven Directors, one of whom to be the President, who, excepting as is hereinbefore provided for, shall hold their offices for one year, which Directors shall be stockholders residing in Canada, and be elected on the first Wednesday of May, in every year, at such time of the day and at such place in the city of Toronto aforesaid, as a majority of the Directors for the time being shall appoint; and public notice shall be given by the said Directors as hereinbefore provided in the next preceding section, previous to the time of holding the said election, and the said election shall be held and made by such of the said Shareholders of the said Bank as have paid all calls made by the Directors and as shall attend for that purpose in their own proper person, or by proxy, and all elections for Directors shall be by ballot, and the said proxies shall only be capable of being held by and voted upon by Shareholders then present; and no one Shareholder shall be entitled to give upon proxies held by him, more than one hundred votes at such election; and the seven persons who shall have the greatest number of votes at any election shall be the Directors, except as is hereinafter directed; and if it should happen at any election, that two or more persons have an equal number of votes in such a manner that a greater number of persons shall, by a plurality of votes appear to be chosen as Directors, then the Directors who shall have had a greater number of votes, or the majority of them, shall determine which of the said persons so having an equal number of votes shall be the Director or Directors, so as to complete the whole number of seven; and the said Directors as soon as may be after the said election, shall proceed in like manner to elect by ballot, two of their number to be the President and Vice-President; but Stockholders not residing within the Dominion of Canada shall be ineligible; and if any Director shall move out of Canada, his office shall be considered as vacant, and if any vacancy or vacancies should at any time happen amongst the said Directors, by death, resignation, disqualification, or removal during the current year of office, such vacancy or vacancies shall be filled for the remainder of the year in which they may happen by the remaining Director or the majority of them electing in such place or places a Shareholder or Shareholders eligible for such office: Provided always, that no person shall be eligible to be or continue as Director unless he shall hold in his name and for his own use, stock in the said Bank to the amount of twenty shares.

Election of President and Vice-President: who qualified. Directors must reside in Canada. Vacancies how filled. Proviso: Qualification of Directors.

6.

6. In case it should at any time happen that an election of Directors of the said Bank should not be made on any day when pursuant to this Act it ought to have been made, the said Corporation shall not for that cause be deemed to be dissolved, but it shall and may be lawful on any other day, to hold and make an election of Directors in such manner as shall have been regulated by the by-laws of the said Bank.

Election not taking place, Corporation not thereby dissolved.

7. Each Shareholder shall be entitled to a number of votes proportioned to the number of shares which he or she shall have held in the said Bank, in his or her own name at least one month prior to the time of voting according to the following scale, that is to say, at the rate of one vote for each share; and all questions proposed for the consideration of the said Shareholders shall be determined by the majority of their votes, the Chairman elected to preside at any such meeting of the said Shareholders shall have the casting vote; Provided always, that no Cashier, Bank Clerk, or other officer of the Bank shall either vote in person or by proxy at any meeting for the election of Directors, or hold a proxy for that purpose.

Ratio of votes of shareholders in proportion to number of shares.

Officers to have no vote at any election of Directors.

8. The books, correspondence, and funds of the Corporation shall at all times be subject to the inspection of the Directors, but no Shareholder not being a Director, shall inspect, or be allowed to inspect, the account or accounts of any person dealing with the Corporation.

Books, &c., to be subject to inspection of Directors.

9. It shall be the duty of the Directors of the said Bank to make half yearly dividends, of so much of the profits of the said Bank, as to them or to the majority of them shall appear advisable; Provided always that such dividends shall not in any manner lessen or impair the capital of the said Bank.

Directors to make half-yearly dividends: but not out of capital.

10. The Directors for the time being or the major part of them, shall have power to make such by-laws, and regulations not repugnant to the provisions of this Act or of any other Act of the Parliament of Canada as to them shall appear needful and proper, touching the management and disposition of the stock, property, estate and effects of the said Bank, and touching the duties and conduct of the officers, clerks and servants employed therein, and all such other matters as appertain to the business of a Bank; provided always, that no By-law or regulation so made by the Directors shall have force or effect until the same shall have been confirmed by the Shareholders at an Annual general meeting, or at a Special general meeting, called for that purpose, and the Directors for the time being, or the major part of them shall also have power to appoint as many officers, clerks and servants for carrying on the said business and with such salaries and allowances as to them shall seem meet, and shall have power to make such calls of money from the several Shareholders for the time being upon the shares in the said Bank, subscribed for by them respectively, as the said Board find necessary, and in the corporate

Directors to make by-laws for the conduct of the business of the Bank,

And appoint officers;

 name

To recover instalments on shares.

name of the said Bank to sue for, recover and get in all such calls, or to cause and declare such shares to be forfeited to the said Bank in the case of non-payment of any such call; and an action of debt may be brought to recover any money due on any such call; and it shall not be necessary to set forth the special matter in the declaration, but it shall be sufficient to allege that the defendant is the holder of one share or more (as the case may be) in the capital stock of the said Bank and is indebted for calls upon the said share or shares to the said Bank, in the sum to which the call or calls amount (as the case may be, stating the number and amount of such calls), whereby an action hath accrued to the said Corporation, to recover the same from such defendant by virtue of this Act; and it shall be sufficient to maintain such action, to prove by any one witness (a Shareholder being competent), that the defendant at the time of making any such call, was a Shareholder in the number of shares alleged, and to produce the by-law or resolution of the Board making and prescribing such call, and to prove notice thereof given in conformity with such by-law or resolution, and it shall not be necessary to prove the appointment of the said Board of Directors or any other matter whatsoever; Provided that each said call shall be made at intervals of thirty days, and upon notice to be given thirty days at least prior to the day on which such call shall be payable and any such calls shall not exceed twenty per cent. of each share subscribed: And provided always that before permitting any cashier, officer, clerk or servant of the Corporation to enter upon the duties of his office, the Directors shall require every such cashier, officer, clerk or servant to give bond, to the satisfaction of the Directors, with conditions of good and faithful behaviour.

What only need be alleged and proved in action for instalment

Proviso: calls for instalments limited.

Proviso: Directors must take security from officers.

Directors and President may be paid.

Quorum.

11. The Directors, including the said President and Vice-President shall be entitled to such emolument for their services as may be fixed by any order or resolution passed at the usual annual meeting of Shareholders; and any four shall constitute a Board for the transaction of business, of whom the President or Vice-President shall be one, except in case of sickness or absence, in which case the Directors present may choose out of their number a chairman for such meeting.

No note to be issued until $100,000 are paid in and held in coin.

12. No Bill or Note for any sum whatever shall be issued or put into circulation by the said Bank, until one hundred thousand dollars of the capital stock of the said Bank shall have been actually paid in and shall be held by and in the actual possession of the said Bank in gold or silver coin, current in Canada.

Chief place of business to be Toronto.

Branches.

13. The chief place or seat of business of the said Bank shall be in the city of Toronto aforesaid; but it shall and may be lawful for the Directors of the said Bank, to open and establish in other cities, towns and places in Canada, branches or offices of discount and deposit of the said Bank, under such rules and regulations for the good and faithful management of the same, as to the said Directors

Directors shall from time to time seem meet, and shall not be repugnant to any law of Canada, to this Act, or to the by-laws of the said Bank.

14. At every annual general meeting of the Shareholders of the said Bank to be held in the city of Toronto in the manner hereinbefore provided, the Directors shall submit a full and clear statement of the affairs of the said Bank, containing on the one part, the amount of the capital stock paid in, the amount of the notes, of the Bank in circulation, and net profits made, and the balance due to other banks and institutions, and the cash deposited in the Bank, distinguishing deposits bearing interest from those not bearing interest, and on the other part, the amount of current coins, the gold and silver bullion in the vaults of the Bank, the balances due to the bank from other banks and institutions, the value of the real and other property of the Bank, and the amount of debts owing to the bank, including and particularizing the amounts so owing upon bills of exchange, discounted notes, mortgages and other securities, thus exhibiting on the one hand the liabilities of or the debts due by the Bank, and on the other hand the assets and resources thereof; and the said statement shall also exhibit the rate and amount of the then last dividend declared by the Directors, the amount of reserved profits at the time of declaring the said dividend, and the amount of debts to the Bank overdue and not paid, with an estimate of the loss which may probably be incurred from the non-payment of such debts.

Statement of affairs to be made at annual meetings.

Its form and contents.

Must show the last dividends and reserved fund.

15. The shares of the capital stock of the said Bank shall be held and adjudged to be personal estate, and be transmissible accordingly, and shall be assignable and transferable at the chief place of business of the said Bank or any of its branches which the Directors shall appoint for that purpose and according to such form as the Directors shall prescribe; but no assignment or transfer shall be valid or effectual unless it be made and registered in a book or books to be kept by the Directors for that purpose, nor until the person or persons making the same shall previously discharge all debts or liabilities due or contracted and not then due by him, her or them to the Bank, which may exceed in amount the remaining stock, if any, belonging to such person or persons; and no fractional part or parts of a share or other than a whole share shall be assignable or transferable: and when any share or shares of the said capital stock shall have been sold under a writ of execution, the Sheriff by whom the writ shall have been executed, shall within thirty days after the sale, leave with the Cashier of the said Bank, an attested copy of the writ, with the certificate of such sheriff endorsed thereon, certifying to whom the sale has been made, and thereupon (but not until after all the debts due or liabilities contracted and not then due by the holder or holders of the said shares to the Bank shall have been discharged as aforesaid) the President or Vice-President or the Cashier of the Bank shall execute the transfer of the share or shares so sold, to the purchaser,

Stock to be deemed personal estate.

Assignment, manner of effecting.

debts to Bank to be first paid.

Parts of shares not assignable

Sale of shares under seizure, and transfer to purchaser.

purchaser, and such transfer being accepted shall be to all intents and purposes, as valid and effectual in law, as if it had been executed by the holder of such shares; any law or usage to the contrary notwithstanding.

In what business only the Bank shall engage, and what species of property it may hold.

16. The said Bank hereby constituted shall not, either directly or indirectly, hold any lands or tenements, (save and except such as by the first section of this Act they are specially authorized to acquire and hold), or any ships or other vessels or any share or shares in the stock of the Corporation, nor in any bank in Canada, nor shall the said Bank, either directly or indirectly, lend money or make advances upon the security or mortgage of any lands or tenements, or of any ships or other vessels, nor upon the security or pledge of any share or shares of the capital stock of the said Bank, nor shall the said Bank, either directly or indirectly, raise loans of money, or deal in the buying, or selling or bartering of goods, wares and merchandize, or engage or be engaged in any trade except as dealers in gold and silver bullion, bills of exchange, discounting of promissory notes, and negotiable securities, and in all such trade generally, as legitimately appertains to the business of banking; Provided always, that the said Bank may take and hold mortgages and liens, and assignments of mortgages and liens, on real and other property, by way of security for debts contracted to or with the Bank, in the course of its dealings and also for such purpose may purchase any outstanding mortgages, judgments or other charges upon real or personal property of any debtor of the said Bank.

Proviso: Bank may take mortgages for debt contracted in the course of its business.

Amount of advances on securities of Directors or officers limited.

17. The aggregate amount of discounts and advances, made by the said corporation upon commercial paper or securities bearing the name of any Director or officer, or the co-partnership, name or firm of any Director, of the said corporation, shall not at any one time exceed one tenth of the total amount of discounts or advances made by the corporation at the same time.

Corporation may pay interest on deposits in Bank, and take discount.

18. It shall and may be lawful for the said corporation to allow and pay interest, (but not exceeding the legal rate of interest in Canada) upon moneys deposited in the Bank: and also, it shall and may be lawful for the corporation, in discounting promissory notes, or other negotiable securities, to receive or retain the discount thereon at the time of the discounting or negotiating the same; any law or usage to the contrary notwithstanding.

Bonds, &c. of Corporation may be assigned by endorsement

19. The bonds, obligations and bills, obligatory and of credit of the said Bank, under its common seal, and signed by the President or Vice-President, which shall be made payable to any person or persons, shall be assignable by endorsement thereon, under the hand or hands of such person or persons, and of his, her or their assignee or assignees, and so as absolutely to transfer and vest the property thereof in the several assignees successively, and to enable such assignee or assignees to bring, on due acceptance,

acceptance, an action or actions thereupon, in his, her or their name or names, and signification of any such assignment by endorsement shall not be necessary, any law or usage to the contrary notwithstanding; and bills and notes of the said Bank, signed by the President or Vice-President, and countersigned by the cashier of the said Bank, promising the payment of money to any person or persons his, her or their order or to the bearer, though not under seal of the said Bank, shall be binding and obligatory on the same, with the like force and effect and in the same manner as they would upon any private person or persons if issued by him, her or them, in his, her or their private or natural capacities, and shall be assignable or negotiable in the like manner as if they were so issued by such private person or persons; Provided always, that nothing in this Act contained, shall be held to debar the Directors of the said Bank from authorizing or deputing from time to time any officer of the Bank or any Director other than the President or Vice-President, or any cashier, manager or local Director of a branch or office of discount and deposit of the said Bank to sign, and any accountant or book-keeper of the said Bank, or of any branch or office of discount and deposit thereof, to countersign the bills and notes of the said Bank intended for general circulation and payable to order or to bearer on demand.

Bills and notes how to be signed, &c.

Proviso: Officers may be deputed to sign Bank notes.

20. The bills or notes of the said Bank made payable to order or to bearer, and intended for general circulation, whether the same shall issue from the chief place or seat of business of the said Bank, in the city of Toronto, or from any of the branches, shall bear date at the place of issue and not elsewhere, and shall be payable on demand in specie at the said place of issue; and each and every officer of discount and deposit hereafter to be established under the management or direction of a local board of Directors, shall be considered and held to be a branch bank, and and subject to the restrictions as to the issuing and redemption of notes provided in this section.

Notes to bear date and be payable at the place of issue.

What shall be deemed branch Banks for this purpose.

21. A suspension by the said corporation (either at the chief place or seat of business, or at any of their branches or offices of discount and deposit at other places in Canada,) of payment on demand in specie, of the notes or bills of the said Corporation, payable on demand, shall, if the time of suspension extend to sixty days consecutively or at intervals, within any twelve consecutive months, operate as and be a forfeiture of this Act of Incorporation, and all and every the privileges hereby granted.

Suspension of payment for sixty days to incur a forfeiture of charter.

22. The total amount of the notes or bills of the said Corporation, being for a less sum than four dollars, current money of Canada, each, which shall be or may have been issued or put in circulation, shall not exceed at any one time one-fifth of the amount of the capital stock of the Corporation then paid in; Provided always, that no notes under the nominal value of one dollar shall at any time

Limitation of total amount of notes under $4.

Proviso: No note to be under $1.

Further limitation by future legislation.

time be issued or put into circulation by the Corporation; Nor shall any further limitation by Parliament of the total amount of notes to be issued or re-issued by the said Corporation be held to be any infringement upon the privilege hereby granted.

Total liabilities of Bank limited, and total amount of its Bank notes.

23. The total amount of the debts which the said Corporation shall at any time owe, whether by bond, bill, note or otherwise, shall not exceed three times the aggregate amount of the capital stock paid in, and the deposits made in the Bank in specie and Government securities for money; and at no one period after the passing of this Act shall the notes or bills payable on demand and to bearer, exceed the amount of the actually paid up capital stock of the Corporation, and the amount of Canada Debentures or Municipal Loan Fund Debentures held by the Corporation; and in case of excess, the said Corporation shall forfeit this Act of Incorporation and all the privileges hereby granted; and the Directors under whose administration the excess shall happen, shall be liable jointly and severally for the same, in their private capacities, as well to the Shareholders as to the holders of the bonds, bills and notes of the Corporation; and an action or actions in this behalf may be brought against them, or any of them and the heirs, executors, administrators or curators of them, or any of them, and be prosecuted to judgment and execution according to law, but such action or actions shall not exempt the Corporation, or their lands, tenements, goods or chattels from being also liable for such excess; Provided always, that if any Director present at the time of contracting any such excess of debt, do forthwith, or if any Director absent at the time of contracting any such excess of debt, do, within twenty-four hours after he shall have obtained a knowledge thereof, enter on the minutes or register of proceedings of the Corporation, his protest against the same, and do, within eight days thereafter publish such protest in at least one newspaper published in the City of Toronto, such Director may thereby, and not otherwise, exonerate and discharge himself, his heirs, executors and administrators or curators, from the liability aforesaid, anything herein contained or any law to the contrary notwithstanding; And provided always, that such publication shall not exonerate any Director from his liability as a Shareholder.

Penalty for excess and liability of Directors.

How enforced.

Proviso. Directors may avoid liability by protest and publication.

Further proviso.

Liability of Shareholders defined and limited.

24. In the event of the property and assets of the said Bank hereby constituted, becoming insufficient to liquidate the liabilities and engagements or debts, the Shareholders of the said Bank in their private or natural capacities, shall be liable and responsible for the deficiency, but to no greater extent than to double the amount of their capital stock, that is to say, the liability and responsibility of each Shareholder shall be limited to the amount of his or her share or shares of the said capital stock, and a sum of money equal in amount thereto; Provided always, that nothing in this section contained shall be construed to alter or diminish the additional liabilities of the Directors of the Corporation hereinbefore mentioned and declared.

Proviso.

25.

25. Besides the detailed statement of the affairs of the said Bank hereinbefore required to be laid before the Shareholders thereof, at their annual general meetings, the Directors shall make up and publish on the first day of each month in every year, statements of the assets and liabilities of the said Bank, in the form of the Schedule A hereunto annexed, shewing under the heads specified in the said form, the average of the amount of the notes of the Bank and other liabilities at the termination of each month during the period to which the statement shall refer, and the average amount of specie and other assets that at the said time were available to meet the same; and it shall also be the duty of the Directors to submit to the Governor a copy of each such monthly statements; and if by him required to verify all or any part of the said statements, the said Directors shall verify the same by the production of the weekly or monthly balance-sheets, from which the said statements shall have been compiled; And furthermore, the said Directors shall from time to time, if required, furnish to the said Governor, such further information as such Governor may reasonably see fit to call for; Provided always, that the Directors shall not, nor shall anything herein contained be construed to authorize them, or any of them, to make known the private account or accounts of any person or persons whatever having dealings with the said Bank.

Monthly statements of affairs of the Bank to be made and published.

How verified.

Proviso: Governor may require further information.

Proviso.

26. It shall not be lawful for the Corporation hereby constituted, at any time whatever, directly or indirectly, to advance or lend to, or for the use of or on account of any foreign Prince, Power or State, any sum or sums of money or any securities for money: and if such unlawful advance or loan be made, then and from thenceforth the said Corporation shall be dissolved, and all the powers, authorities, rights, privileges and advantages hereby granted shall cease and determine; anything in this Act to the contrary notwithstanding.

Bank not to lend money to Foreign Powers.

Penalty for contravention.

27. The several public notices by this Act required to be given, shall be given by advertisement in one or more of the newspapers published in the City of Toronto, and in the *Canada Gazette*, or such other Gazette as shall be generally known and accredited as the Official Gazette for the publication of Official documents and notices, emanating from the Civil Government of Canada.

How notices shall be published.

28. Books of subscription may be opened and shares of the capital stock of the Bank may be made transferable, and the dividends accruing thereon may be made payable in the United Kingdom, in like manner as such shares and dividends are respectively made transferable and payable at the Bank, in the City of Toronto; and to that end the Directors may, from time to time, make such rules and regulations, and prescribe such forms, and appoint such agent or agents as they may deem necessary.

Subscription for, and transfer of shares in Great Britain.

29. If the interest in any share in the said Bank becomes transmitted in consequence of the death or bankruptcy or insolvency

Provision as to the proving the transmission

of shares otherwise than by regular transfer.

vency of any shareholder, or in consequence of the marriage of a female shareholder, or by any other lawful means than by a transfer according to the provisions of this Act, the Directors may require such transmission to be authenticated by a declaration in writing, as hereinafter mentioned, or in such other manner as the Directors of the Bank shall require; and every such declaration or other instrument so signed, made and acknowledged, shall be left at the Bank, with the cashier or other officer or agent of the Bank, who shall thereupon enter the name of the party entitled under such transmission, in the Register of Shareholders, and until such transmission shall have been so authenticated, no party or person claiming by virtue of any such transmission, shall be entitled to receive any shares of the profits of the Bank nor to vote in respect to any such share or shares as the holder thereof;

Proviso: as to authentication of such proof.

Provided always, that every such declaration and instrument, as by this and the following section of this Act is required to perfect the transmission of a share of the Bank, and as shall be made in any other country than in this or some other of the British Colonies in North America, or in the United Kingdom of Great Britain and Ireland, shall be further authenticated by the British Consul or Vice Consul, or other the accredited representative of the British Government, in the country where the declaration shall be made, or shall be made directly before such British Consul or Vice Consul, or other accredited representative;

Proviso: as to further evidence.

And provided also that nothing in this Act contained shall be held to debar the Directors, cashier or other officer or agent of the Bank from requiring corroborative evidence of any fact or facts alleged in any such declaration.

If the change of ownership be by marriage of a female shareholder, or by will, &c.

30. If the transmission of any share of the Bank be by virtue of the marriage of a female shareholder, the declaration shall contain a copy of the register of such marriage or other particulars of the celebration thereof, and shall declare the identity of the wife with the holder of such share, and if the transmission have taken place by virtue of any testamentary instrument or by intestacy, the probate of the will or the letter of administration or of tutorship or curatorship, or an official extract therefrom, shall, together with such declaration, be produced and left with the cashier or other officer or agent of the Bank, who shall then enter the name of the party entitled under such transmission in the Register of Shareholders.

Mode of obtaining decision of Court as to title to shares when the Bank entertains reasonable doubts.

31. Whenever the interest in any share or shares of the capital stock of the said bank, shall be transmitted by the death of any Shareholder or otherwise, or whenever the ownership of, or legal right of possession, in any such share or shares, shall change by any lawful means, other than by transfer according to the provisions of this Act, and the Directors of the said Bank shall entertain reasonable doubts as to the legality of any claim to and upon such share or shares of stock, then and in such case it shall be lawful for the said Bank to make and file, in one of the Superior Courts

Courts of law for Ontario, a declaration and petition in writing addressed to the Justices of the Court, setting forth the facts and the number of shares previously belonging to the party in whose name such shares stand in the books of the Bank, and praying for an order or judgment adjudicating and awarding the said shares to the party or parties legally entitled to the same, and by which order or judgment the Bank shall be guided and held fully harmless and indemnified and released from all and every other claim for the said shares or arising therefrom; Provided always, that notice of such petition shall be given to the party claiming such share or shares, who shall, upon the filing of such petition establish his right to the several shares referred to in such petition; and the delays to plead and all other proceedings in such cases shall be the same as those observed in analogous cases before the said Superior Courts; Provided also, that the costs and expenses of procuring such order and adjudication shall be paid by the party or parties to whom the said shares shall be declared lawfully to belong, and such shares shall not be transferred until such costs and expenses be paid, saving the recourse of such party against any party contesting his right.

Proviso; Notice, &c.

Proviso: as to costs.

32. The Bank shall not be bound to see to the execution of any trust, whether express, implied or constructive, to which any of the shares in the Bank may be subject, and the receipt of the party in whose name any such share shall stand in the books of the Bank, or if it stand in the names of more parties than one, the receipt of one of the parties, shall from time to time be a sufficient discharge to the Bank for any dividend or other sum of money payable in respect of such share, notwithstanding any trust to which such share may then be subject, and whether or not the Bank have had notice of such trust, and the Bank shall not be bound to see to the application of the money paid upon such receipt, any law or usage to the contrary notwithstanding.

Bank not bound to see to execution of trusts to which shares may be subject.

33. It shall be the duty of the Directors of the said Bank to invest as speedily as the Debentures hereinafter mentioned can be procured from the Receiver General, and to keep invested at all times in the Debentures of the late Province of Canada, or of this Dominion, or of the Consolidated Municipal Loan Fund, or in Dominion Stock one tenth part of the whole paid up capital of the said Bank, and to make a return of the numbers and amount of such Debentures or Stock, verified by the oaths and signatures of the President and Cashier or Manager of the said Bank, to the Minister of Finance, in the month of January of each year, under the penalty of the forfeiture of the charter of the said Bank, in default of such investment and return.

One-tenth of paid up capital to be invested in securities of certain kinds.

34. This Act shall be and remain in force until the first day of June, in the year of our Lord one thousand eight hundred and seventy, and from that time till the end of the next session of the Parliament of the Dominion, and no longer.

Duration of this Act.

Act 31 Vic., c. 11, to apply.

35. The Act of the Parliament of Canada, passed in the thirty-first year of Her Majesty's Reign, Chapter eleven, intituled: *An Act respecting Banks,* shall extend to the said "Dominion Bank" and shall be read and taken to be, and form a part of the Charter of the said "Dominion Bank."

Search warrant for, and seizure and destruction of counterfeit notes, &c.

36. On complaint made on the oath of one credible witness to the effect that there is just cause to suspect that any person is or has been concerned in making or counterfeiting any bank notes or bills of the bank, any magistrate may, by warrant under his hand, cause the dwelling house, room, workshop, out-house, or other building, dary, garden or other place, where such person shall be suspected of carrying on such making or counterfeiting to be searched; and all such countorfeit bank bills, notes and such plates, dies, rolling-presses, tools, instruments, and materials used in, or apparently adapted to the making or counterfeiting of such bills or notes, as shall be found therein or thereon shall forthwith be carried before the same or any other magistrate, who shall cause them to be returned and produced upon any prosecution in relation thereto, in any Court of Justice; and the same after being so produced in evidence, shall be defaced or destroyed, or otherwise disposed of at the discretion of the Court.

Embezzlement by officer of the Bank to be a felony.

37. If the cashier, assistant cashier, manager, clerk or servant of the Bank shall secrete, embezzle or abscond with any bond, obligation, bill obligatory, or of credit or other bill or note, or any security for money, or any money or effects entrusted to him as such cashier, assistant cashier, manager, clerk or servant, whether the same belong to the said Bank, or belong to any person or persons, body or bodies politic or corporate, or institution or institutions, and be lodged with the said Bank, the said cashier, assistant cashier, manager, clerk or servant, so offending and being thereof convicted in due form of law shall be deemed guilty of felony.

Punishment of such felony.

38. Any person guilty of felony under this Act shall be punished by imprisonment at hard labour in the Penitentiary for any term not less than two years or by imprisonment in any other gaol or place of confinement for any term less than two years, in the discretion of the Court.

Bank to be subject to future legislation.

39. The powers and privileges conferred by this Act and the liablities or obligations of the shareholders of the said Bank, shall be subject to any legislation either of the present or any future session of the Parliament of Canada, which may take place; and no general Act whereby any privilege hereby conferred may be affected or impaired shall be deemed an infringment of this the Charter of the said Bank.

FORM

FORM OF SCHEDULE A.

Referred to in the 25th Section of the foregoing Act.

Return of the average amount of the liabilities and assets of the Dominion Bank during the period from first to one thousand eight hundred and

LIABILITIES.

Promissory Notes in circulation not bearing interest.....	$
Bills of Exchange in circulation not bearing interest....	$
Bills and notes in circulation bearing interest............	$
Balances due to other Banks..............................	$
Cash deposits, not bearing interest.........................	$
Cash deposits, bearing interest............................	$
Total average Liabilities...	$

ASSETS.

Coin and bullion..	$
Landed or other property of the Bank.....................	$
Government Securities.......................................	$
Promissory notes or bills of other Banks	$
Balances due from other Banks............................	$
Notes and bills discounted..................................	$
Other debts due to the Bank, not included under the foregoing heads..	$
Total average Assets..	$

CAP. LXI.

An Act to confirm and give effect to a certain agreement between the Government of Canada, and the Great Western Railway Company.

[*Assented to 22nd June*, 1869.]

WHEREAS it appears, by a message from His Excellency the Governor General, and the documents accompanying the same, that under the authority of the Act of the Legislature of the late Province of Canada, passed in the twelfth year of Her Majesty's Reign, and intituled: *An Act to provide for affording the guarantee of the Province to the Bonds of Railway Companies on certain conditions, and for rendering assistance in the construction of the Halifax and Quebec Railway*, and of the Act of the said Legislature passed in the Session thereof held in the fourteenth and fifteenth years of Her Majesty's Reign, and intituled: *An Act to make provision for the construction of a Main Trunk Line of Railway*

Preamble.

Canada, 12 V. c. 29.

14-15 V. c. 73.

Railway throughout the whole length of the Province, and the Act of the said Legislature passed in the Session last mentioned, and intituled: "An Act to extend the provisions of an Act passed in the present Session, intituled: *An Act to make provision for the construction of a Main Trunk Line of Railway throughout the whole length of this Province*, and of an Order in Council and Proclamation made and issued under the twenty-second section of the Act secondly above cited, and bearing date the seventh day of August, one thousand eight hundred and fifty-two,—divers sums of the public moneys of the Province and Provincial Debentures, were advanced and delivered to the Great Western Railway Company, under the provisions of the said Acts and of the said section, the amount of which debentures, and of all sums of money so advanced and the interest thereon, it was provided by the said Acts should form a debt due to Her Majesty, for the use of the said Province, for securing which the Province should have the first hypothec, mortgage and lien upon the Road, tolls and property of the said Company; And whereas the said moneys so owing by the said Company were, by virtue of *The British North America Act*, one thousand eight hundred and sixty-seven, vested in Her Majesty as therein set forth, and it further appears by the said message and documents, that it was in the month of December now last, settled and agreed between the Government of Canada (acting on the report of the Minister of Finance), and the said Great Western Railway Company, that the principal sum which would be owing, as aforesaid, by the said Company to Her Majesty, on the first day of January, one thousand eight hundred and sixty-nine, would be two million eight hundred and ten thousand five hundred dollars, and that the balance due for interest thereon up to the said day (although amounting to a greater sum), should, on the conditions hereinafter mentioned, be taken to be (after deducting all sums charged against the Government for Postal and Military services up to the said day, and the amount of the Sinking Fund and other sums at the credit of the said Company), equal to four hundred and forty-four thousand four hundred and one dollars and thirty-seven cents, making a total sum of three million two hundred and fifty-four thousand, nine hundred and one dollars and thirty-seven cents, which said sum it was agreed that the said Company should pay as follows; that is to say:—one hundred thousand pounds sterling, or four hundred and eighty-six thousand six hundred and sixty-six dollars and sixty-seven cents on or before the tenth day of February now last, and the balance of two million seven hundred and sixty-eight thousand two hundred and thirty-four dollars and seventy cents, in four equal annual instalments, with interest at the rate of four per cent per annum, from the said first day of January, one thousand eight hundred and sixty-nine, for which sum and interest so payable, the said Company should deliver to the Receiver General their bonds payable to bearer, secured by the mortgage, hypothec and lien aforesaid, and in such form and for such sums respectively as the Minister of Finance should direct or approve: and it was further agreed that upon any failure of the said Company to perform their part

14-15 V. c. 74.

Amount of debt of Company to H. M. and interest thereon, and terms of payment agreed upon.

part of the said agreement, all the rights and privileges of Her Majesty, and of the Dominion, under the Acts herein above cited, as well with respect to any further amount owing by the said Company, over and above that so agreed to be accepted as aforesaid, as to the mortgage, hypothec and lien by which the whole debt of the Company to Her Majesty is secured, should remain in full force; And whereas the said Company paid the said sum of one hundred thousand pounds sterling on the tenth day of February, now last, in execution of the said agreement, which it is expedient to ratify and confirm in conformity with the recommendation of His Excellency the Governor in his message above cited, and with the prayer of the Company in their Petition to Parliament in that behalf: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:—

Payment by Company on account.

Sttlement of agreement mentioned in the Preamble confirmed on certain coddi-tions.

1. The settlement and agreement mentioned in the preamble are hereby ratified and confirmed, and the directors of the Company shall have full power and authority to carry out the same; and provided bonds of the said Company, secured as aforesaid, to the amount of the said balance of two million seven hundred and sixty-eight thousand two hundred and thirty-four dollars and seventy cents, for such sums respectively and in such form as the Minister of Finance may direct or approve, and payable to bearer at dates respectively conformable to the terms of the said agreement, and bearing interest at the rate of four per cent per annum, payable half yearly, are delivered to the Receiver General within three months from the passing of this Act, and that the principal and interest of such bonds are duly paid, according to the tenor thereof,—then the said bonds and the said sum of one hundred thousand pounds sterling already paid, shall be accepted in full payment of all sums due by the said Company to Her Majesty, for the causes mentioned in the preamble, and the obligations by the said Act specified as well interest as principal, up to the first day of January, now last; otherwise and upon any failure on the part of the Company to comply with the conditions aforesaid, all the rights and privileges of Her Majesty and of the Dominion, as well with respect to any further amount owing by the said Company, on the said first day of January last, over and above that so agreed upon as aforesaid, as to the mortgage, hypothec and lien by which the whole debt to Her Majesty is secured, shall remain in force, saving always the right of the Company to be credited with such sums as they may have paid since the day last mentioned.

Penalty on failure to perform conditions.

Restriction of hypothec if the conditions aforesaid are observed.

2. Unless and until default be made in the payment of the bonds of the said Company mentioned in the next preceding section, or some one or more of them, the first hypothec, mortgage and lien upon the Road, Tolls and Property of the said Company, created by the said recited Acts for securing the payment of the whole of the public moneys advanced as aforesaid, and interest thereon, shall be restricted to the said sum of two million seven

hundred

hundred and sixty-eight thousand two hundred and thirty-four dollars and seventy cents, so to be included as aforesaid in the bonds to be given under the terms of the next preceding section, and the interest thereon, which sum and interest according to the terms of such bonds, will, unless and until such default be made, remain and be the sum for securing the payment of which the said first hypothec, mortgage and lien will continue to be held:—Provided always, firstly, that the existence of such security shall not in anywise hinder, prejudice, prevent or delay either Her Majesty or any holder or holders of such bonds, or any of them from resorting to any other remedy for the recovery of the sums of money mentioned therein, which Her Majesty or such holder or holders may by law be entitled to have and use, as fully and absolutely as if such security had not been held; And provided, secondly, that upon default made in the payment of any one or more of such bonds, the said first hypothec, mortgage and lien shall exist and be held to have continued to have existed without interruption, for the payment of the whole of the public monies advanced to the said Company and interest thereon.

Proviso.

Proviso.

Bonds and moneys received under this Act, how to be dealt with.

3. The bonds of the said Company to be delivered to the Receiver-General as hereinbefore mentioned, may be held by him or disposed of as the Governor in Council may direct; and all moneys coming into the hands of the Receiver General, either as principal or interest of such bonds, or as the proceeds of the sale thereof, or otherwise howsoever under this Act and the agreement herein recited, shall form part of the Consolidated Revenue Fund of Canada.

CAP. LXII.

An Act to enable the holders of preference shares in the Great Western Railway Company to convert them into ordinary shares at their option.

[*Assented to 22nd June,* 1869.]

Preamble.

Act of Canada, 22 V. c. 116 (1858) cited.

WHEREAS, by the Act of the Legislature of the late Province of Canada, passed in the twenty-second year of Her Majesty's reign, and intituled: "An Act to amend the Acts of incorporation of the Great Western Railway Company," the Company in making arrangements for the repayment of the Government loan, are empowered to increase their capital stock to the extent of eight million dollars, in additoin to their present capital, by creating an additional number of shares, of such amount each as the directors of the Company may from time to time determine, and to make the whole or any portion of such new shares preference stock, on which dividends not exceeding seven per cent. per annum may be guaranteed, subject to certain conditions, but the holders whereof shall not vote at meetings of shareholders, or have any profit beyond the amount so guaranteed; and

and the Company is thereby further empowered to raise the amount required to pay off the Government loan, by the issue of a perpetual Debenture Stock, to be treated as part of the regular Debenture debts of the Company; And whereas the said powers have not yet been used by the Company, except by the issue of perpetual Debenture stock in the year eighteen hundred and fifty-eight, to the amount of forty-six thousand seven hundred pounds sterling, or two hundred and twenty-seven thousand two hundred and seventy-three dollars thirty-four cents, and they have by their Petition in that behalf represented that in order to provide for the settlement of the Government loan, according to an Act of the present Session of Parliament intituled: "An Act to confirm and give effect to a certain agreement between the Government of Canada, and the Great Western Railway Company," it may be necessary to exercise their powers of raising money, and it may be by issuing such new shares, and that this could be more easily done by giving the holders of guaranteed or preference shares or stock the right to convert them, at the same option, into ordinary shares, and have prayed that such power be given; and whereas it has been made to appear, that the Shareholders of the Great Western Railway Company, at a Special General Meeting, held in London, England, on the twenty-eighth day of April, eighteen hundred and sixty-nine, for the object of providing means for the completion of the settlement of the Government Loan, increased their Capital Stock by the amount of one million eighteen thousand two hundred pounds sterling, the holders thereof to have preferred dividends of five pounds per centum per annum, and the option of conversion into ordinary shares until the first day of January, one thousand eight hundred and eighty; the creation of which preference stock on the said terms it is desirable to declare legal and valid: Therefore, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

Act of present Session, cap. 61.

1. The holder or holders of any preference or guaranteed share or shares or preference or guaranteed stock in the capital of the said Company to be issued by the directors thereof under the authority given by the Act first above cited, may at his or their option, and subject to such regulations as the directors may make with respect to the mode in which notice of such option shall be given, and the time from which it shall take effect, convert such preference or guaranteed share or shares or stock, into an ordinary share or ordinary shares of the capital stock of the Company, and from the time such option shall take effect, such shareholder or shareholders shall have the right of voting, and all the other rights of holders of ordinary shares of such capital stock.

Holders of certain preference or guaranted shares may convert them into ordinary shares, and vote.

2. The said Capital Stock, of one million eighteen thousand two hundred pounds sterling, created by the Shareholders at their said Meeting of the twenty-eighth day of April, one thousand eight hundred and sixty-nine, with the said preference and option is made part of the capital stock of eight millions of dollars authorized to

New Stock of £1,018,200 to be part of the $8,000,000 additional stock; and to bear preferred

dividends, with the option aforesaid.

to be created by the first above recited Act; which capital stock of one million eighteen thousand two hundred pounds sterling, shall bear a preferred dividend at the rate of five pounds *per centum per annum*, payable half yearly, before any dividend is made upon ordinary shares; and if on making up the accounts for any half year there are not profits available for the full payment of the said preferred dividend for that half year, the deficiency shall be made good out of the first profits of any subsequent half year, and the right of option of conversion of the said preference stock into ordinary shares is hereby given to the holders thereof by this Act, in accordance with the desire expressed by the Shareholders at their said meeting: provided that nothing in this Act shall authorize the Directors to issue the balance of the stock or shares issuable under the said first above recited Act or any part thereof either as ordinary shares or preference shares, or preference stock of like kind and option, as legalized by this Act, if such preference and option should be desired, until they are thereunto authorized by a two-thirds vote of the shareholders present either by person or by proxy at a meeting called for the purpose as provided by the said Act.

Proviso: as to balance of the $8,000,000.

Total amount of perpetual Debenture Stock and terminable bonds limited. Certain liens not to be affected.

3 Nothing herein contained shall authorize the directors to create and issue perpetual Debenture stock to a greater amount than the sum of six hundred and sixty-eight thousand eight hundred and fifteen pounds, seven shillings serling, or three million two hundred and fifty-four thousand nine hundred and one dollars thirty-seven cents, in addition to the amount already issued; nor shall anything herein contained authorize the Company to borrow or raise money on their terminable bonds to a greater extent than one-half of their capital stock as authorized from time to time; nor shall any thing herein contained alter or affect the co-ordinate lien of the said perpetual Debenture stock, with the terminable bonds, upon the Railway, Tolls, Lands and other property of the Company, save the special rights of the terminable Bonds which are authorized to be delivered to the Receiver General by the first section of the said Act intituled: "An Act to confirm and give "effect to a certain agreement between the Government of Canada "and the Great Western Railway Company."

Public Act.

4. This Act shall be deemed a public Act.

CAP. LXIII.

An Act to incorporate the Canadian and European Telegraph Company.

[*Assented to 22nd June*, 1869.]

Preamble.

WHEREAS the Honorable John Young hath by his petition prayed that a Charter be granted to him and his associates hereinafter mentioned, for the purpose of establishing telegraphic communication

communication between the Continents of Europe and North America, and it is expedient to grant the prayer of the said petitioner: Therefore, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

1. The said Honorable John Young, the Honorable Alexander T. Galt, of Canada, C. F. Tietgen, Esquire, M. Suhr, of Copenhagen, and M. Erichsen, of Newcastle, England, and their associates, and all other persons who may hereafter become holders of the Stock hereinafter mentioned, are hereby constituted a body politic and corporate, by the name of *The Canadian and European Telegraph Company*, for the purpose of establishing telegraphic communication between the Continents of Europe and North America, *viâ* the Labrador Coast or the Island of Anticosti or any other Island or Islands in the river or Gulf of St. Lawrence, and Canada, and for the purpose of establishing branches thereof in Canada and elsewhere.

Company incorporated.

Name and general purpose.

2. The said Company may also establish, construct, purchase, hire, keep in order and work any line or lines of telegraph from the City of Quebec or from any other place within Canada, either by land or water, or by both or either of them, following the bed of the River St. Lawrence or otherwise, to the most easterly point of the Labrador Coast, or to the Island of Belle-Isle, or to the Island of Anticosti or any other Island or Islands in the river or Gulf of St. Lawrence, over which exclusive telegraph line rights do not now exist by the law of any Province of the Dominion (with power to touch and land, should a subaqueous and submarine route be adopted or be partly so, for the purposes and uses of the Company, or for the purposes of opening and maintaining stations thereof, at all such point or points, place or places in any part of Canada, or places under its jurisdiction,) or between any two or more points therein, or between any point or points therein, and any island, province, country or place in or near the Continent of America, or in or near the Continent of Europe, or in the Gulf of St. Lawrence, or in the Atlantic Ocean, and with full power and authority to make such connection with the line of any Telegraphic Company or Companies in any portion of the United Kingdom of Great Britain and Ireland, and any such arrangement for working the same, as to the said Company or its Directors shall appear fitting; And the Company may borrow such sum of money (not exceeding in all the sum of five hundred thousand pounds, or two millions of dollars,) and may issue such Bonds therefor, in such amounts, and made payable at such times and bearing such interest, and secured in such manner (by mortgage or otherwise) as the said Corporation may deem expedient and proper for carrying out any of the objects and purposes aforesaid, and may make, adopt and use a Corporate Seal, and may sue and be sued, and may do every other act and thing whatsoever which may reasonably come within the scope, purposes and objects contemplated by this Act.

Company's line of telegraph defined.

Power to connect with other lines.

Power to borrow money and issue bonds.

Corporate seal and general powers.

Powers for constructing the line.

3. The said Company may lay down, erect and maintain its Line or Lines of Telegraph along the sides of and across any public highways, bridges, water-courses or other such places, (provided the said Company shall not interfere with the public right of travelling thereon,) and may enter upon any lands or places, and survey, set off and take such parts thereof as may be necessary for such Line or Lines of Telegraph, and may with the consent of the Governor in Council, take from any part of the ungranted and unoccupied Crown Lands of Canada, any posts or building materials necessary to make or repair the said Line or Lines or any buildings in connection therewith; and in case of disagreement between the said Company and any owner or occupier of lands which the said Company may take for the purposes aforesaid, or in respect to any damage done to the same by constructing the Line or Lines through or upon the same, the said Company and such owner or occupier, as the case may be, shall each choose an arbitrator, which two arbitrators shall choose a third, and the decision (on the matter in difference) of any two of them in writing, shall be final; and if the said owner or occupier, or the agent of the said Company neglects or refuses to choose an arbitrator within four days after the notice in writing, from the opposite party to him and upon proof of personal service of such notice, or if such two arbitrators when duly chosen, disagree in the choice of a third arbitrator, in any such case it shall be lawful for the Minister of Public Works, for the time being to nominate any such arbitrator or such third arbitrator, as the case may be, who shall possess the same power as if chosen in manner above provided; Provided always, that nothing herein contained shall be construed to confer on the said Company the right of building a bridge over any navigable river in Canada.

Arbitration as to damages.

Proviso, as to navigable rivers.

Power to lease other lines or amalgamate with other Companies.

4. The said Company shall have power and authority to purchase or lease for any term of years any telegraphic line established or to be established either in Canada or in the territory in possession of the Hudson's Bay Company or in any other British possession, or in the territory or territories of any foreign Power or State, connecting or hereafter to be connected with the line which the Company is authorized to construct, or to purchase or lease for any term of years, the right of any Company to construct any such telegraph line,—and shall also have power and authority to amalgamate with any Company, Board or persons possessing as proprietors any line of telegraphic communication connecting or to be connected with the Company's line, either in Canada in the late possessions of the Hudson's Bay Company, in any other British Colony, or in the territory of any other foreign State or Power, whether on the continent of America or in any other part of the world.

Or to accept aid from any Government.

5. The said Company shall also have power and authority to accept from the Government of Canada, or from any Power, State or Government, or from any corporate body, (and either separately or

or conjointly with any company, board or individuals amalgamated with the said Company as aforesaid,) any guarantee or grant of lands or money in aid of their said undertaking.

6. The Capital of the said Company shall be Five Hundred Thousand Pounds, or two Millions of Dollars, and shall be divided into shares of Twenty-five Pounds, of One Hundred Dollars each; and the said Capital may be increased, from time to time, by resolution of the Central Board of Directors, by and with the consent of a majority in value of the shareholders; but such capital shall at no time be made to exceed Three Millions of Dollars. Capital and shares. Increase of Capital.

7. The Honorable John Young, and the Honorable Alexander T. Galt, of Canada, C. F. Tietgen, and M. Suhr, of Copenhagen, and M. Erichsen, of Newcastle England, are hereby constituted a Provincial Board of Directors of the said Company, and shall hold office as such until other Directors shall be elected by the shareholders, in the manner hereafter provided; and in the event of any one or more of the said Provisional Directors dying before the election of other Directors, the survivors shall constitute the said Provisional Board. Provisional Directors appointed.

8. The said Provisional Directors shall have power and authority at any time after the passing of this Act, to open Stock Books and to procure subscriptions for the undertaking, to make calls upon the subscribers, to cause surveys and plans to be executed, to procure any Charters or Acts of Incorporation from the Imperial Government of the United Kingdom, from any Colonial Government, or from any Foreign State, Power or Legislature, which may be required for the continuation of the said Telegraph Line or its branches beyond the limits of Canada, and also to enter into any covenants, treaties or stipulations with the said Imperial Government or with any Foreign Power or State, having for object to secure co-operation, guarantee or other aid to and for the said undertaking; and it shall be the duty of the said Provisional Directors to give notice in the *Canada Gazette* of the opening of the said Stock Books and of the places where the same shall have been deposited. Power to open stock-books, and to adopt other preliminary measures. Notice in Canada Gazette.

9. Every person whose name shall be written in any such Stock Book as a subscriber to the said undertaking, and who shall have paid within ten days after the closing of the said books, into any of the Banks appointed for the purpose, or to any of their branches or agencies ten per centum on the amount of stock so subscribed for, to the credit of the said Company, shall thereby become a member of the said Company, and shall have the same rights and privileges as such as are hereby conferred on the several persons who are herein mentioned by name as members of the said Company; Provided also, that such ten per centum shall not be withdrawn from the said Banks, or otherwise applied, except for the purposes of the said Telegraph Company, or upon the dissolution of the said Company from any cause whatsoever. Subscribers to become members, on paying 10 per cent of subscriptions. Proviso.

10.

Central and local Board of Directors.

10. The concerns of the Company shall be managed by a Central Board of Directors to consist of five members, and by the Local Boards of Directors hereinafter mentioned; and each such Director, whether Central or Local, shall be proprietor of at least twenty shares in the stock of the Company, and they shall be elected and hold office as hereinafter provided.

Aliens: and limited liability of shareholders.

11. Aliens shall have equal rights with British subjects to take stock, to vote, and to be eligible to office in the said Company; and no shareholder shall be liable beyond the extent of the stock subscribed by him for any debt contracted by the Company.

First general meeting, when to be called, and where.

12. So soon as ten per centum of the said capital stock shall have been subscribed, and ten per centum thereon paid up, the said provisional directors, or a majority of them, may call a meeting of shareholders, either at the City of Montreal, in Canada, the City of London, in England, or at the City of Copenhagen, in Denmark, as the said provisional directors may determine, at such time as they may think proper, giving at least three months' notice in the *Canada Gazette* and in one or more newspapers published in Montreal, in London, in England, or in the city of Copenhagen, and in the chief city of every foreign state wherein any of the shareholders of the said Company may reside; and at the said general meeting and all other general meetings hereinafter mentioned, the shareholders present either personally or by proxy, shall elect seven persons to form and constitute a Central Board of Directors of the said Company.

Notice.

Election of central board.

President, Vice-President, &c.

13. The Directors shall appoint one of their number to act as President, and another to act as Vice-President; and may appoint such other officers and agents as they shall deem necessary; and the Directors may remove all officers appointed by them and appoint others in their places, and may fill all vacancies in the offices; five of the Directors shall form a quorum, and all questions shall be decided by a majority of votes of the Directors present, and upon every equal division the President or the Chairman for the time being, shall give his casting vote in addition to the vote previously given by him as one of the Directors.

Quorum of Directors.

Stock-books may be opened in the United Kingdom and elsewhere: Further powers of Directors.

14. The Directors of the said Company for the time being, may open or cause to be opened, stock-books for the subscription of parties desiring to become shareholders in the capital stock of the said Company, in as many and such places in the United Kingdom of Great Britain and Ireland and elsewhere, as they shall think fit, and may make such shares payable in such manner as they shall see fit, and further may issue shares for stock subscribed in England or elsewhere, in such amounts respectively of sterling money of the United Kingdom as to the Directors shall from time to time seem fit, and may make the dividends thereon payable in like sterling money in England or elsewhere, at such place or places as to such Directors shall from time to time seem fit, and from

from time to time may appoint agents of the said Company in England or elsewhere, and may delegate to such agents such powers as to the Directors of the said Company shall from time to time seem fit, and may make such rules and regulations as to the Directors of the said Company shall from time to time seem fit, as to the issuing of such shares in England or elsewhere, and as to the mode, time, place or places of the transfer of such shares, and as to the mode, time and place of paying the dividends from time to time to accrue thereon, and otherwise as shall be deemed requisite or beneficial, for giving full effect to the powers hereby vested in the Directors of the said Company in respect of issuing such shares in England or elsewhere; and the said Directors, under a by-law so to be enacted by them, may fix the amount of the shares in the capital stock of the Company, at the sums of fifty pounds sterling or currency respectively, and they shall have power to consolidate and convert the then existing shares into shares of fifty pounds sterling or currency, by uniting together such number of shares of twenty-five pounds currency each as may be requisite to make a share of fifty pounds sterling or currency respectively, at the option of the shareholders. Power to consolidate shares into £50 shares.

15. The said Directors shall hold office until the first triennial meeting of the Stockholders of the Company after their election; and at all meetings of the Stockholders each share shall entitle the holder to one vote, which may be given either in person or by proxy. Term of office. Votes and proxies.

16. On the first Monday of the month of June, in every third year after the first general meeting, there shall be held a general meeting for the election of the central board of directors at any one of the Cities named in the twelfth section of this Act, which may be appointed for that purpose by the Directors, and previous notice of every such meeting shall be given in the manner provided in the said section; And at every such general meeting the Directors in office, or any of them, may be re-elected. Triennial General Meetings.

17. The Directors may from time to time appoint Local Boards of Directors in any one or more of the Cities herein before named, or in any other City or place, either in British territory or in the territory of any foreign Power or State; Provided that if the Central Board be not established at Montreal, a Local Board shall be appointed at that City. Local Boards of Directors. Proviso.

18. Every such Local Board of Directors shall consist of five persons qualified in like manner as persons eligible as Directors of the Central Board, and shall remain in office for such period of time, not less than one and not exceeding three years, as the said Central Board shall determine. Number, qualification and term of office.

19. Whenever any one or more of any such Directors whether of the Central or of any Local Board die or resign, the remaining Directors of the same board shall appoint a Director or Directors in lieu of the person or persons so dying or resigning. Vacancies how filled.

20.

Power to make by-laws and regulations.

20. The said Central Board of Directors may from time to time make, alter, amend or repeal such Regulations and By-laws as may be necessary for the management of the affairs of the Company generally; And each Local Board may also, from time to time make, alter, amend or repeal such Regulations and By-laws as may be requisite for the management of the part of the undertaking under its immediate control, provided the same be not inconsistent with any Regulations or By-laws made by the Central Board.

Calling in Stock and enforcing payment.

21. The directors may require payments of subscription to the said capital stock, at such times and in such proportions as they may deem proper, under the penalty of forfeiting all stock and previous payments thereon; and the said Company may sue for and recover all such subscriptions; Notice of the times and places of such payments shall be published for four weeks previous to such times, at least once in each week, in the *Canada Gazette*, and in such other newspapers published in England or elsewhere as the Directors may think proper.

Notice.

Transfer of shares.

22. All and every the shares in the capital stock of the said Corporation, and all profits and advantages thereof, shall be deemed to be personal estate, and shall be transferable and transmissible as such; Provided always, that no assignment or transfer of any share shall be valid or effectual until such transfer be entered and registered in a book to be kept for that purpose; And provided also, that whenever any stockholder shall transfer in manner aforesaid all his stock or shares in the said Company, such stockholder shall cease to be a member of the said Corporation.

Proviso.

Proviso.

Power to enter on lands, &c., and do certain work thereon.

23. The said Company, their deputies, servants, agents and workmen are hereby authorized and empowered to enter into and upon the lands, grounds and premises of any person or persons, bodies politic, corporate and collegiate, or communities whatsoever, and survey and take levels of the same or any part thereof, and to set out and ascertain such parts thereof as they shall think necessary and proper for making the said intended Telegraph, and all such other works, matters and conveniences as they shall think proper and necessary for making, effecting, preserving, improving, completing, maintaining and using the said intended Telegraph and other works, and also to bore, dig, cut, trench, get, remove, take, carry away, and lay earth, clay, stone, soil, rubbish, trees, roots of trees, beds of gravel or sand, or any other matters or things which may be dug or got in making the said intended Telegraph or other works, on or out of the lands adjoining or lying convenient thereto, and which may be proper, requisite or necessary for making or repairing the said intended Telegraph or works incident or relative thereto, or which may hinder, prevent or obstruct the making, using or completing, extending or maintaining the same respectively, according to the intent and purpose of

of this Act, and to build, erect and set up, in or upon such lands, such and so many station-houses and observatories, watch-houses and other works, ways, roads and conveniences, as and where the said Company shall think requisite and convenient for the purposes of the said Telegraph; And also from time to time to alter, repair, divert, enlarge and extend the same, and to construct, erect and keep in repair any bridges, arches and other works upon or across any non-navigable rivers or brooks for the making, using, maintaining and repairing the said intended Telegraph; And to construct, erect, make and do all other matters and things which they shall think convenient and necessary for the making, effecting, intending, preserving, improving, completing, and easy using of the said intended Telegraph and other works, in pursuance of and according to the true intent and meaning of this Act, and whensoever and wheresoever the said Telegraph shall pass through any wood, the trees and underwood may be cut down for the space of fifty feet on each side of the said Telegraph upon which such trees and underwood may be—they, the said Company, doing as little damage as may be, in the execution of the several powers to them hereby granted, and making satisfaction, wherever required so to do, to the owners or proprietors of or the persons interested in the lands, tenements, or hereditaments, water, water-courses, brooks or rivers, respectively, which shall be taken, used, removed or prejudiced, or woods in which trees or underwood shall be cut down, or for all damages to be by them sustained in or by the execution of all or any of the powers of this Act; Provided always that the said Company shall not cut down or mutilate any tree planted or left standing for shade or ornament or any fruit tree, unless it be necessary so to do for the erection, use, or safety of any of its lines.

Compensation for damages done.

Proviso: as to shade trees, &c.

24. The said Company shall have full power and authority to set up posts for supporting the wires of the said Telegraph in and upon any public road, street or highway, and to make the necessary excavations in the same for placing such posts or poles, or for carrying the said wires under the surface; and such posts, and wires and other apparatus therewith connected shall be the property of the said Company, as shall also all such posts or poles or apparatus as shall be set up or carried under the surface of the ground by the said Company for the purposes aforesaid, although the lands on which the same are set up or carried under the surface be not the property of the said Company.

Power to set up posts on Roads, &c.

25. It shall be the duty of the Company (subject to the provision in the next following section) to transmit all dispatches in the order in which they are received, under a penalty of not less than twenty nor exceeding one hundred dollars, to be recovered with costs of suit by the person or persons whose despatch is postponed out of its order; and the said Company shall have full power to charge for the transmission of such despatches, and to receive, collect and recover such rates of payment as shall be from time to time fixed by the By-laws of the Company.

Company bound to transmit despatches in regular order.

26.

Proviso as to Government Messages, &c.

26. Provided that any message in relation to the administration of Justice, the arrest of criminals, the discovery or prevention of crime, and Government Messages or despatches shall always be transmitted in preference to any other message or despatch, if required by any person connected with the administration of Justice or any person thereunto authorized by the Secretary of State of Canada.

Penalty on Operators divulging contents of despatches.

27. Any operator of the said Telegraph Line, or person employed by the said Telegraph Company, divulging the contents of a private despatch, shall be deemed guilty of a measdemeanor, and on conviction shall be liable to a fine not exceeding one hundred dollars, or to imprisonment not exceeding three months, or both, in the discretion of the Court before which the conviction shall be had.

Punishment of persons injuring the works.

28. Any person who shall wilfully or maliciously injure, molest or destroy any of the said lines, posts, piers or abutments, or the material or property belonging thereto, or in any way obstruct the working of the said line of Telegraph, shall on conviction thereof, be deemed guilty of misdemeanor, and be liable to be punished in the manner by law provided for such offences.

Commencement and completion of works.

29. The works of the Company shall be commenced within three years, and completed from Quebec to Labrador or to the eastern end of the Island of Anticosti, within six years from the passing of this Act, otherwise this Act shall be null and void.

CAP. LXIV.

An Act to amend the Charter, and increase the Capital Stock of the North Shore Transportation Company.

[*Assented to 22nd June*, 1869.]

Preamble.

WHEREAS the North Shore Transportation Company have prayed for a special Act of Incorporation, and that the capital stock of the Company may be increased, and that authority may be granted to the said Company to extend their business throughout the Dominion of Canada and to other British American, Atlantic and West Indian ports, and for other powers, and it is expedient to grant their prayer: Therefore, Her Majesty by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

Incorporation. Corporate name and general powers.

1. The shareholders of the North Shore Transportation Company incorporated by Letters Patent under and by virtue of: *An Act to authorize the granting of Charters of Incorporation to Manufacturing, Mining and other Companies*, together with such other persons as shall be and become stockholders in the said Company, and

and their and each of their respective heirs, executors, administrators, curators and assigns, shall continue to be a body politic and corporate by the name of the "North Shore Transportation Company" with all and every the incidents and privileges to such Corporation belonging; provided always, that nothing herein contained shall be construed to make the said Company a new corporation or in any way whatever to affect any right or liability of the said Company, or any action, suit or proceeding pending at the time of the passing of this Act. **Proviso.**

2. It shall be lawful for the Company to construct, acquire, charter, navigate and maintain steam vessels and sailing vessels for the carrying and conveyance of goods and passengers, or other traffic, between the ports of the Dominion of Canada, and the ports on the lakes connected with and on the rivers falling into the river St. Lawrence, and between ports in the Dominion of Canada and ports in the Islands of Newfoundland and Prince Edward Island, and in the United States of America and in the West Indies, and any or all of them and *vice versa*, and also steam or other vessels for all business and other purposes connected therewith, and the profitable prosecution thereof, with power to sell, charter or dispose of the said vessels, or any of them, or grant or consent to bottomry or other bonds on the same or any part thereof, when and as they may deem expedient; and to make contracts and agreements with any person or corporation whatsoever, for the purposes aforesaid, or otherwise, for the benefit of the Company. **Business of the Corporation.**

3. The said Company is hereby authorized to increase its capital stock to the sum of two hundred thousand dollars, in shares, of fifty dollars each, which increase shall be made by a majority of the shareholders who shall be represented either in person or by proxy at any general or special meeting of the Company called for the purpose; and may be so made at once or from time to time as may be expedient, and stock books for such additional stock may be opened as shall be ordered by the directors. **Power to increase capital.**

4. The directors of the said Company may call in such increase of the capital stock, in such sums as they may see fit, provided no larger sum than twenty per cent of the amount subscribed shall be payable at one time and that at least one month shall elapse between each payment. **Calling in additional capital.**

5. The business and affairs of the said Company shall be conducted and managed and its powers exercised by a board of seven directors to be annually elected by the shareholders, and who shall be severally shareholders to an amount of one thousand dollars of the said stock and who shall be elected at the annual general meetings of the said Company by the shareholders then present in person or by proxy. **Directors, their election and qualification.**

6.

Power to make by-laws.

6. It shall be lawful for the Company at any annual meeting or special general meeting convened for the purpose, and in addition to the powers conferred upon it by the said letters patent to make by-laws, rules and regulations, and the same to amend, alter, repeal, and re-enact as shall be deemed needful and proper; in respect to the following matters:

For what purposes.

1. The set-off of all debts due to the said Company from the shareholders against such shares or stock and dividends of payment to which they may be entitled;

2. The formation and maintenance of a sinking or reserve fund;

3. The making and entering into deeds, bills, notes, agreements, contracts, charter parties and other documents, and engagements to bind the Company, whether by the directors or their agents, as may be deemed expedient;

4. The borrowing or advancing money for promoting the purposes and interests of the Company, and the securities to be given by or to the said Company for the same, provided that the amount to be so borrowed shall not at any one time exceed one third of the amount of the paid up capital of the Company;

5. The keeping of minutes of the proceedings and the accounts of the said Company, and making the same conclusive and binding on the shareholders and rectifying any errors which may be therein;

6. The auditing of the accounts and the appointment of auditors.

Not to be contrary to law.

7. Provided that the said by-laws, rules and regulations are not contrary to the present Act nor the laws of this Dominion, and that the existing by-laws of the Company shall continue in force and effect until altered or repealed by the shareholders.

Defect of qualification of any Director.

8. All acts participated in by any person acting as director shall, notwithstanding there may have been some defect in the appointment or qualification of such person, be as valid as if such person had been duly appointed and was qualified to be a director; provided such defect or disqualification has not previously been brought before the directors at a meeting thereof.

Directors and Agents of the Company acting out of the Dominion.

9. The directors of the said Company may act as directors in this Dominion or elsewhere, and shall and may appoint one or more agents in this Dominion or elsewhere, and for such time and on such terms as to them shall seem expedient, and the directors may by any by-law to be made for such purpose, empower and authorize any such agent or agents to do and perform any act or thing, or to exercise any powers which the directors themselves or any of them, may lawfully do, perform and exercise, except the power of making by-laws; and all things done by any such agent by

by virtue of the powers in him vested by such by-law, shall be valid and effectual to all intents and purposes as if done by such directors themselves, anything in this Act to the contrary notwithstanding.

10. The directors shall have power if they think fit to receive and take into the stock of the Company any steam or other vessels owned or built by any other party or parties, assigning shares of the said Company in payment or part payment thereof; provided that the assent of a majority of the stockholders of the Company, at a general meeting to be called for that purpose, shall be procured before any proceedings under this clause shall be valid. **Vessels may be taken as stock.**

11. Every contract, engagement or bargain by the Company, or by any one or more of the directors on behalf of the Company, or by any agent or agents of the Company, and every promissory note made or endorsed, and every bill of exchange drawn, accepted or endorsed by such director or directors on behalf of the Company, or by any such agent or agents under the powers to be delegated to and conferred on them respectively in accordance with the said by-laws, shall be binding upon the said Company; and in no case shall it be necessary to have the seal of the said Company affixed to any such contract, agreement, engagement, bargain, promissory note, or bill of exchange; provided always, that nothing in this section shall be construed to authorize the said Company to issue any note payable to the bearer thereof, or any promissory note intended to be circulated as money or as notes of a bank. **How contracts, notes, &c., on behalf of the Company may be executed.** **Proviso: as to Bank notes.**

12. The shareholders shall not as such be held liable for any claim, engagement, loss or payment, or for any injury, transaction, matter or thing relating to or in connection with the said Company, or the liabilities, acts or defaults of the said Company, beyond the amount of their respective shares remaining unpaid. **Liability of shareholders limited.**

13. The shares and the capital stock of the said Company shall be deemed personal estate and shall be transferable as such. **Stock to be personalty.**

CAP. LXV.

An Act respecting the International Bridge Company.

[*Assented to 22nd June*, 1869.]

WHEREAS an Act was passed by the Legislature of the late Province of Canada, in the twentieth year of Her Majesty's reign, intituled: *An Act to incorporate the International Bridge Company*; and whereas certain other Acts have been from time to time passed in amendment of the same; and whereas the International Bridge Company have by their petition in effect represented that they have heretofore caused surveys to be made for the location of their Bridge and entered into **Preamble.** **20 V. c. 227.**

contracts

contracts for the construction thereof, but owing to the failure of the contractor have to make other arrangements for such construction; and further that they find that it may be necessary to vary the location, and to make other changes; and further that for the purpose of enabling the company and a company heretofore incorporated under the laws of the State of New York, one of the United States of America, to obtain the money to construct this work, it is desirable that the petitioners, and such other corporation shall have power to amalgamate and by the consolidation of their stock and franchises to become one company, and the petitioners have therefore prayed that an Act may be passed extending the time for the commencement and completion of the Bridge and works, and to enable the company to change any location made, and to enable them to amalgamate or consolidate with such other company as aforesaid, with power to the united company to mortgage for the purpose of aiding in the building and completion of the bridge; and whereas it is expedient to comply with the prayer of the said petition: Therefore, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

Extension of time for commencement and completion of Bridge.

1. The time for commencing and completing the International Bridge is hereby extended to the first day of October, one thousand eight hundred and seventy two, and the first day of October, one thousand eight hundred and seventy six, respectively.

Company may make new surveys and alter the location, giving proper notice.

2. It shall be lawful for the International Bridge Company to make any and such new surveys as they may think proper for the site of their Bridge, and from time to time to change or alter the location thereof, if they find it in their judgment necessary to do so, but in any and every case, before they commence work on any such new site the notices required by the Statutes relating to the company, to be given before the work shall be commenced, shall be given of such new location; and the giving of any notice or notices, and doing the acts required by the said statutes shall not, in case the company consider it expedient to change such location or locations, be taken or held to be in any case an exhaustion of the company's powers in that behalf.

Company may unite with any other for a similar purpose.

3. It shall be lawful for the said company to unite with any other company incorporated, or which may be incorporated, by the laws of the State of New York, one of the United States of America, for a similar purpose with this company, and to enter into all contracts and agreements therewith necessary to such union.

Company may amalgamate with any corporation of the State of New York with similar objects.

4. It shall be lawful for the company to amalgamate and to consolidate its stock, property and franchises with the stock, property and franchises of any corporation now existing under the laws of the State of New York aforesaid or hereafter to be incorporated under said laws for the purpose of erecting and maintaining

taining a Bridge across the Niagara River, at or near the village of Fort Erie, in the County of Welland, to a point in or near the city of Buffalo, in said State of New York, and which said company shall be by the laws of the State of New York authorized to enter into such amalgamation or consolidation under the conditions and provisions and with the effects hereinafter provided.

5. The directors of the International Bridge Company and of any corporation proposing to so amalgamate or consolidate as aforesaid, may enter into a joint agreement in duplicate under the corporate seals of each of the said corporations for the amalgamation and consolidation of the said corporations, prescribing the terms and conditions thereof, the mode of carrying the same into effect, the name of the new corporation, the number and names of the Directors and other officers thereof, and who shall be the first Directors and officers thereof, and their places of residence, the number of shares of the capital stock, the amount or par value of each share, and the manner of converting the capital stock of each of the corporations into that of the new corporation, and how and when and for how long Directors and other officers of such new corporation shall be elected, and when elections shall be held, with such other details as they shall deem necessary to perfect such new organization and the consolidation and amalgamation of the said corporations, and the after management and working thereof.

Directors may enter into a joint agreement for amalgamation and consolidation.

6. Such agreement shall be submitted to the Stockholders of each of the said corporations at a meeting thereof, to be held separately for the purpose of taking the same into consideration; notice of the time and place of such meetings and the object thereof, shall be given by written or printed notices addressed to each of the persons in whose names, at the time of giving such notice, the Capital stock of such corporation shall stand on the books of such corporations, and delivered to such persons respectively, or addressed to them by mail if their post office address shall be known to the secretaries of such corporations; and also by a general notice to be published in a daily newspaper published in the city of Toronto and in the city of Buffalo once a week for two successive weeks; at such meetings of stockholders, such agreement shall be considered and a vote by ballot taken for the adoption or rejection of the same, each share entitling the holder thereof to one vote, and the ballots to be cast in person or by proxy; and if three fourths of the votes of all the stockholders of such corporations shall be for the adoption of such agreement, then that fact shall be certified upon each of the said duplicates by the secretary of each of such corporations under the corporate seals thereof; and if the said agreement shall be so adopted at the respective meetings of the stockholders of each of said corporations, one of the duplicates of the agreement so adopted and of the said certificates thereon shall be filed in the office of the Secretary of State of the Dominion of Canada, and the other in the office of the Secretary of State of the State of New York; and

Such agreement to be submitted to the stockholders of each at meetings, due notice being given.

If agreement adopted, duplicate to be fyled in office of Secretary of State for Canada and of New York.

and said agreement shall from thence be taken and deemed to be the agreement and Act of consolidation and amalgamation of the International Bridge Company and of such other corporation; and a copy of such agreement so filed, and of the certificates thereon, properly certified, shall be evidence of the existence of such new corporation.

Upon perfecting the same the powers of both shall be consolidated.

7. Upon the making and perfecting of the said agreement and Act of consolidation, as provided in the preceding section, and filing the said agreement as in the said section provided, the several corporations parties thereto shall be deemed and taken to be consolidated, and to form one corporation by the name in the agreement provided, with a common seal, and shall possess all the rights, powers, privileges, and franchises, and be subject to all the disabilities and duties of each of such corporations so consolidated and united, except as herein provided.

Property to be vested in new corporation, but rights of creditors to be unimpaired, and no action to be affected by consolidation.

8. Upon the consummation of such Act of consolidation as aforesaid, all and singular the property, real, personal, and mixed, and all rights and interest appurtenant thereto, all stock, subscriptions and other debts due on whatever account, and other things in action belonging to such corporations, or either of them, shall be taken and deemed to be transferred to and vested in such new corporation without further act or deed; provided however that all rights of creditors and all liens upon the property of either of such corporations shall be unimpaired by such consoldation, and all debts, liabilities and duties of either of the said corporations shall thenceforth attach to the new corporation and be enforced against it to the same extent as if said debts, liabilities and duties had been incurred or contracted by it; and provided also, that no action or proceeding, legal or equitable, by or against the said corporations so consolidated or either of them, shall abate or be affected by such consolidation, but for all the purposes of such action or proceeding such corporation may be deemed still to exist, or the new corporation may be substituted in such action or proceeding in the place thereof.

Capital stock shall be personalty.

9. The capital stock of such new corporation shall be personal property and no stockholder shall be liable for the payment of any debt or obligation due by the said corporation, except as provided in the following section.

Liability of stockholders in such new corporation.

10. All the Stockholders in the said new corporation shall be severally and individually liable to an amount equal to the amount of the capital stock held by them respectively to the creditors of such corporation, until the whole amount of its capital stock shall have been paid in; all payments on the capital stock of the companies so consolidated, shall, for the purposes of this section, be deemed payments on the capital stock of the said new corporation; if the Directors of such new corporation shall contract debts for the said corporation, which, with the debts assumed by it by such Act of consolidation, at any one time shall exceed the amount

And of Directors in certain cases.

amount of its capital stock, they shall be primarily personally liable for such excess, and the stockholders shall be secondarily personally liable for such excess in the ratio of their respective shares of stock.

11. The said new corporation shall have power, from time to time, to borrow such sums of money as may be necessary for constructing and completing its Bridge, and for the acquiring of the necessary real estate for the site thereof and approaches thereto, and to mortgage its corporate property and franchises to secure the payment thereof; but the principal of the mortgage debt of such corporation shall not at any time exceed the sum of one million dollars. **Power to the new corporation to borrow money, &c.**

12. At all meetings of the stockholders of the International Bridge Company, or of the stockholders of such new corporation each stockholder shall be entitled to cast one vote for each share of stock held by him, and to vote either in person or by proxy, and the directors of the said company, may also, at any meeting of the Board, vote by proxy, such proxy to be held by another Director. **Rights of stockholders as to voting.**

13. All the powers and rights of any kind now held or heretofore given, or given by this Act to the International Bridge Company, shall, on such consolidation and amalgamation, be vested in, held, exercised and enjoyed by the said new corporation, and all the statutes relating to the International Bridge Company, shall apply to the said new corporation, to all and every extent except in so far as the same shall be varied by, or shall be inconsistent with this Act or any thing contained therein. **Powers vested in International Bridge Company to be held by the new corporation.**

CAP. LXVI.

An Act to increase the capital stock of the Clifton Suspension Bridge Company.

[*Assented to 22nd June*, 1869.]

WHEREAS the Clifton Suspension Bridge Company incorporated by the Act passed in the thirty-first year of Her Majesty's reign, chapter eighty-two, have by their petition represented that they have constructed a Suspension Bridge across the River Niagara, and opened the same for traffic; and that they are desirous of expending a further sum of money in and about the said Bridge, and that in order thereto it is necessary to increase the capital stock of the said Company; And whereas it is expedient to grant the prayer of their petition: Therefore, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows: **Preamble. 31 V. c. 82.**

1.

Capital of Company may be increased.

1. It shall and may be lawful for the Directors of the said Company or a majority of them, to add to their present capital stock the sum of one hundred thousand dollars, divided into shares of one hundred dollars each—such additional stock to be subscribed and apportioned in such manner, and upon such terms as the Directors may determine.

Rights of new shareholders.

2. The holders of such additional shares shall be entitled to the like privileges in respect to the same as are or may be possessed by holders of original shares in the stock of the Company.

CAP. LXVII.

An Act to amend the Act passed by the Legislature of the late Province of Upper Canada, intituled: "An Act to incorporate a Company under the style and title of the British American Fire and Life Assurance Company."

[*Assented to 22nd June*, 1869.]

Preamble.

WHEREAS the British American Assurance Company have by their petition prayed that their Act of Incorporation may be amended, and it is expedient that the prayer of the said petition be granted: Therefore, Her Majesty, by and with the advise and consent of the Senate and House of Commons of Canada, enacts as follows:

Residence of Managing Director.

1. It shall not be compulsory upon the Managing Director to reside at the house of business of the said Corporation.

Assistant Managing Director may be appointed.

2. The Directors of the said Company may, from time to time appoint an officer to be called the Assistant Managing Director, who shall act in the absence of the Managing Director of the said Corporation, and fulfil all the duties appertaining to his office under the Act of Incorporation of the said Company, and the several Acts amending the same, and such Assistant Managing Director shall hold office at the will and pleasure of the majority of the Directors.

By-law may be passed for the appointment of Manager and Assistant Manager.

3. If at any time after the passing of this Act, the Board of Directers shall think it expedient so to do, they may at any annual or general meeting of the stockholders of the said Company, submit a By-Law providing for the appointment of a Manager and Assistant Manager of the said Company, in the place and stead of the Managing Director, and Assistant Managing Director, as by the said Act of Incorporation and the amendments thereof is provided, and from and after the approval and adoption of such By-Law by the said stockholders or a majority of them, present in person or by proxy at any annual or general meeting, the said offices of Managing Director and Assistant Managing Director shall cease, and the Manager and Assistant Manager appointed from

from time to time under the said By-law, shall perform and fulfil all the duties theretofore appertaining to the offices of Managing Director and Assistant Managing Director, under the said Act of Incorporation, and the several amendments thereof, and shall hold their several offices at the will and pleasure of the said Directors or a majority thereof, and shall give security to the satisfaction of the said Directors for the due and faithful performance of the duties of the said several offices. Duties and tenure of office.

CAP. LXVIII.

An Act to incorporate the Dominion Mutual Life Guarantee Assurance Company.

[*Assented to 22nd June*, 1869.]

WHEREAS the Honorable D. L. Macpherson, John Crawford, Esquire, the Honorable George Brown, Edward C. Jones, Esquire, C. S. Gzowski, Esquire, Edward Blake, Esquire, Nathan C. Ford, Esquire, Clarkson Jones, Esquire, and Thomas Galt, Esquire, have petitioned the Legislature praying that an association under the style and title of the "Dominion Mutual Life Guarantee Assurance Company," may be incorporated for the purpose of enabling the said petitioners and others to carry on the business of a Life Assurance Company: Therefore, Her Majesty, by and with the advice and consent of the Senate and House of of Commons of Canada, enacts as follows: Preamble.

1. All such persons as now are or hereafter shall become members of the said Company, and their respective executors, administrators and assigns, shall be and are hereby constituted and declared to be a corporation, body corporate and politic, by and under the name and style of "The Dominion Mutual Life Guarantee Assurance Company," and shall be in law capable of acquiring by purchase, lease, mortgage or otherwise, and of holding absolutely or conditionally, lands and real estate, and of selling, alienating, transferring and disposing of the same, as shall be deemed expedient; Provided always, that nothing in this Act contained shall be considered as authority to hold real estate beyond the annual value of twenty thousand dollars, for the use and occupation of the Company, or for the convenient transaction of its business; Provided nevertheless, that the said Company may hold such real estate as shall have been *bonâ fide* mortgaged to it by way of security, or conveyed to it in satisfaction of debts, or judgments recovered; And it shall be lawful for the Company to invest its funds in the securities of the Dominion of Canada, or of any of the Provinces composing the Dominion, and in the Bonds, Debentures and Stocks of any Municipality, or Incorporated Company transacting business in any of the Provinces of the Dominion, or on mortgage of real estate; Provided always, that all real estate so mortgaged or conveyed in security as aforesaid, shall be sold and disposed of within The Dominion Mutual Life Guarantee Assurance Company incorporated, and certain powers conferred on them. Proviso as to holding real estate and mortgages. Investments by company. Sale of real estate within specified tim

within ten years from the time of its becoming the absolute property of the Company.

Amount of capital stock.

2. The capital stock of the said Corporation shall be one million of dollars, divided into five thousand shares of two hundred dollars each.

Power to make contracts of Insurance when all the shares having been subscribed for, $50,000 paid, and 31 V. c. 48 complied with.

3. So soon as all the shares of the said Company shall have been subscribed for, and fifty thousand dollars shall have been actually paid thereon, and deposited with the Receiver General of the Dominion of Canada, in accordance with the provisions of the Statute of Canada, passed in the thirty-first year of Her Majesty's Reign, and intituled: *An Act respecting Insurance Companies*, the said Corporation (being duly licensed under the said Act) shall have power and legal authority to make and effect contracts of Assurance with any person or persons, bodies politic or corporate, upon life or lives, or in any way dependent upon life or lives, and to grant or sell annuities either for lives or otherwise, and on survivorship, and to purchase annuities to grant endowments to children or other persons, and to receive investments of money for accumulation, to purchase contingent rights whether of reversion, remainder, annuities, life policies or otherwise, and generally to enter into any transaction depending upon the contingency of life, and all other transactions usually entered into by Life Assurance Companies, including re-assurance.

Business of the Corporation to be managed by Board of Trustees. First Board named.

4. The business of the said Corporation shall be conducted by a Board of not less than eight Trustees, one of whom shall be chosen president, and one or more vice-presidents, (which Board shall, in the first instance, consist of the Honorable D. L. Macpherson ; John Crawford, Esquire ; the Honorable George Brown ; Edward C. Jones, Esquire ; C. S. Gzowski, Esquire ; Edward Blake, Esquire ; Nathan C. Ford, Esquire ; Clarkson Jones, Esquire, and Thomas Galt, Esquire, shareholders in the said Company) who shall be qualified for such office as provided by the rules and regulations to be adopted by the said Company, which may provide for an increase of their numbers, and for the future appointment of Trustees to the said Company.

Powers of Trustees.

5. And with respect to the exercise of the powers of the Company,—it is enacted that the said Trustees of the Company shall exercise all the powers of the Company, that they may make and enforce the calls upon the shares of the respective stockholders, they may declare the forfeiture of all shares on which such calls have not been duly paid, they may allot and divide among the assurers or policy holders insuring with profits, such portion of the profits realized, and at such times as they shall see fit, and may declare dividends of profits to be paid to the shareholders or to be paid on or added to the stock of the said Company ; they may make all such rules, regulations and by-laws for the management of the affairs of the Company as shall from time to time appear to them to be necessary for the proper working of the Company.

May make by-laws.

6

6. All policies, contracts, securities, deeds and writings, touching or concerning the said Company, shall be signed and executed by the President of the said Company (or by a Vice-president) and the Secretary, or in case of the absence or death of both President and Vice-presidents, then by three of the trustees of the said Company and the Secretary. How policies, contracts, &c., are to be executed.

7. The head office of the said Company shall be in the City of Toronto, and the Trustees shall appoint the times and places in the said city of Toronto, for all meetings of the said Company and of the Trustees thereof, as provided by the rules of the said Company to be determined upon in that behalf. Head office of Company in the city of Toronto.

8. The shares of the said Company shall be transferable by the parties holding the same according to the rules of the Company; provided always, that no transfer shall be valid until the same having been sanctioned and approved by the Trustess, shall have been registered in the Transfer Book of the Company, and all calls shall have been paid in respect of any share sought to be transferred. Transfer of shares.

9. The transmission of the interest in any share of the stock of the Company in consequence of marriage, death or insolvency of a shareholder, or by any other means than an ordinary transfer, shall be made, proved and authenticated, in such form, by such proof and generally in such manner, as the Trustees shall from time to time require or by By-law direct. Transmission of interest in shares, how to be proved.

10. In any action for the recovery of arrears on calls, it shall be sufficient for the Company to allege, that the Defendant being an owner of shares therein is indebted to the Company in respect of so many shares, whereby an action hath accrued to the Company by virtue of this Act; and on the trial it shall only be necessarp to prove that the Defendant was owner of some shares in the Company, and that such call was made according to the Rules and By-laws of the Company, and it shall be unnecessary to prove the appointment of the Trustees who made such calls or any other matter whatsoever. Right to sue for calls. Allegations and proof.

11. The Company shall not be bound to see to the execution of any trust, whether expressed, implied or constructive to which any share or shares of its stock may be subject, and the receipt of the party in whose name any share stands in the Books, or if such share stand in the name of more than one, the receipt of one shall be a sufficient discharge to the Company for any money paid in respect of such share or shares, notwithstanding any trust to which they may be held subject, and whether or not the Company shall have had notice of such trust. Company not bound to take notice of trusts.

12. No Trustee or other officer of the Company shall become a borrower of any portion of its funds, nor become surety for any other person who shall become a borrower from the Company. Trustees or Officers not to borrow from Company.

Company to be subject to 31 V. c. 48.

13. The Company shall be subject to all the provisions of the said Act, passed in the thirty-first year of Her Majesty's Reign, and intituled: *An Act respecting Insurance Companies*, applicable to Canadian Life Insurance Companies, and this Act shall be construed as if such provisions were embodied in it.

Interpretation clause.

14. In this Act the word "Company" shall mean The Dominion Mutual Life Guarantee Assurance Company in this Act mentioned, and "The Trustees" shall mean the Trustees for the time being.

CAP. LXIX.

An Act to incorporate the Canada Marine Insurance Company.

[*Assented to 22nd June*, 1869.]

Preamble.

WHEREAS the formation and establishment of Marine and Inland Navigation Insurance Companies is of great public utility, and would afford greater convenience to the inhabitants of Canada for effecting insurances and settling losses, and also more security for losses, and greater facilities for recovering them, and would also contribute to the prosperity of the trade of the Dominion; and whereas the persons hereinafter named are willing and desirous to establish and maintain such a Company, and have petitioned to be incorporated for that purpose, and it is expedient to grant their prayer: therefore, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

Certain persons incorporated; purposes and name.

1. Hugh Allan, Andrew Allan, John McLennan, Hugh McLennan, Thomas Rimmer, William Gunn and Alexander Mitchell, and every other person who shall hereafter become a Shareholder of the said Company, shall be and are hereby united into a Company for making and effecting inland navigation and marine insurances, according to the rules and directions hereinafter mentioned, and for that purpose are constituted a body politic and corporate under the name of "The Canada Marine Insurance Company."

Powers and business of the Corporation.

2. The said Company shall have the power and authority to make with any person or persons, all insurances connected with marine risks of navigation, and transportation by water; against loss or damage either by fire or by perils of the navigation of or to any vessel, steamer, boat or other craft, either sea-going or navigating upon lakes, rivers or navigable waters, and of or to any cargo, goods, wares and merchandise, specie, bullion, jewels, bank notes, bills of exchange, and other evidences of debt, conveyed therein, or conveyed by any Railway or stored in any warehouse or railway station while in transit; and of and to any timber or other

other property of any description, borne or carried by water, and of and to any freight, profit, commission, bottomry, or respondentia interest; and to cause themselves to be re-insured when deemed expedient, against any loss or risk on which they have made or may make insurance, and generally to do and perform all other matters and things necessary to such objects.

Power to hold real estate, &c.

3. The said Company shall have power and authority within the limits of Canada, to purchase, have and hold, to them and their successors, any real or immovable estate, lands and tenements, which shall be necessary for their immediate accommodation, and the transaction of their business, not exceeding the yearly value of five thousand dollars, and the same to sell and dispose of, and others to acquire as may be deemed expedient; and to take and hold any real estate *bonâ fide* mortgaged or hypothecated to the said Company by way of security, or conveyed to them in satisfaction or payment of any debt previously contracted in the course of their dealings, or purchased at any sale under any judgment, execution or decree of court which may have been obtained for such debts, or by virtue of any proceeding at law, or acquired by purchase to avoid a loss to the said Company through prior claims, and to hold the same for a period not exceeding five years, during which time the said Company shall be bound to sell or dispose of, and convert the same into money, or property authorized to be held by virtue of this Act.

And mortgages by way of security for a certain time.

Investment of funds.

4. It shall be lawful for the said Company, within the limits of Canada, to invest their funds or any part thereof, in loans on public or landed securities, or in such other securities as shall be authorized by the by-laws, and the same to call in and re-loan as occasion may require, and as may be deemed expedient by their directors from time to time; and in the purchase of public securites, stocks of chartered banks or other chartered companies, the bonds and debentures and other evidences of debt of the Government of the Dominion of Canada, or of any Province in Canada, and to sell and transfer the same; provided always that the said Company shall not deal in any goods, wares or merchandize, other than such as they shall become possessed of by virtue of any insurance made thereon, or which may be abandoned to them.

Proviso.

Capital of the Company, and provision for increase.

5. The capital of the said Company shall be formed by and consist of twenty thousand shares of one hundred dollars each, and the said capital stock with the property of the Company, shall be held liable for the payment of all engagements, losses or damages that may from time to time occur, and be justly claimed from, or charged upon the said Company, but it shall be lawful for the said Company from time to time to increase the capital stock to an amount not exceeding in the whole fifty thousand shares, by a resolution adopted by the majority of the shareholders present at a meeting or meetings expressly convened for the purpose.

Directors.

6. The corporate powers, property and business of the said Company, shall be exercised, conducted and managed by a Board of five directors.

Duties of first Directors.

First general meeting.

7. It shall be the duty of the parties named in the first section of this Act, or a majority of them, to open books in the City of Montreal, for the subscription of the stock of the said Company, and so soon as one hundred thousand dollars of the said stock shall have been subscribed, and five per centum shall have been paid on account of the same, to organize the said Company, and to call a meeting of the shareholders by giving at least ten days' notice in two newspapers published in the City of Montreal, for that purpose.

Election of Directors.

8. It shall be the duty of the said shareholders, or so many of them as shall attend the meeting provided for in the last preceding section of this Act, at such meeting to proceed to the appointment and election of five directors as provided for by this Act, upon whom shall devolve thereafter the duty of organizing, conducting and managing the affairs of the said Company, until the first annual general meeting of the shareholders upon the next ensuing first Monday in February, as provided for in this Act, and the said parties named in the first section of this Act, after such election shall be relieved from further duty touching the organization or management of the affairs of the said Company.

Annual general meeting, and election of Directors.

Notice thereof.

Who may vote. Proxies.

9. A general meeting of the shareholders shall be held at the usual place of business of the said Company, or any other place in the City of Montreal, upon the first Monday of February, annually, for the election of Directors, which Directors shall be elected by ballot, and shall serve till the next annual general meeting, and until such time as their successors shall be elected, and for the transaction of such other business as may properly be laid before such meeting, and for the review of the general affairs of the said Company; and it shall be the duty of the Directors for the time being, to give due notice of such meeting by publishing the same at least ten days before the day aforenamed, in at least one daily newspaper published in the City of Montreal, and in the event of the first Monday in February in any year being a legal holiday, then the annual meeting aforesaid shall be held on the next following day not being a holiday, and the shareholders present either in person or by proxy, at all general meetings, shall have one vote for each and every share that shall be held in his or her name, or in the name of any firm, association or partnership of which he or she may be a partner, upon the books of the said Company for at least fifteen days next preceding such annual election; provided always that no more than one vote be given or taken upon any share, and that the scrutineers at such election shall decide as to the rights of any person to vote, in the event of disagreement or dispute between parties holding shares registered in the name of any firm, association or partnership as aforesaid.

And

And in the case of a failure to elect from any equality of votes for more than five Directors, a new election shall be then and there held to fill the undetermined places; and in case of any vacancy occurring in the number of Directors, such vacancy shall be filled up for the remainder of the year in which it may occur by a shareholder to be nominated by a majority of the Directors; Provided always that no person shall be elected or nominated to be a Director, who shall not be a shareholder in the Company to the extent of at least ten shares at the time of his election or nomination, and during his continuance in office, either registered in his own name or in the name of the firm or partnership of which he is a member; provided further, that no two persons of a firm or partnership shall be qualified by the same shares.

Provision in case of failure to elect Directors.

Proviso: qualification of Directors.

Further proviso.

10. The corporation shall not be dissolved by a failure to elect Directors at the time when such election should be made pursuant to this Act; but such election may be made on any other day, in such manner as may be directed and required by the by-laws of the Company, provided that any ten or more of the shareholders holding or representing at least one-fourth of the subscribed stock, may require the Directors to call a special general meeting of the shareholders, in the manner prescribed for the annual general meetings, for the purpose of electing new Directors, or any other purpose to be mentioned in the requisition or advertisement, and on their refusal or neglect to do so, may themselves call such meeting by an advertisement to be published in two newspapers published in Montreal as aforesaid.

Such failure of election not to operate dissolution of Company.

11. Any number of the Directors aforesaid, being a majority of them, shall have full power from time to time to make and enact by-laws, rules and regulations (the same not being repugnant to this Act, or to the laws of this Dominion) for the proper management of the affairs of the said Company, and from time to time to alter and repeal the same, and others to make and enact in their stead; provided that no such by-laws, rules and regulations as aforesaid, shall be valid or have effect after an annual or special meeting convened as aforesaid, unless approved and confirmed by a majority of the shareholders present thereat.

Power of quorum of Directors to make by-laws.

12. There shall be a monthly meeting of the Directors; and three or more of the Directors shall form a quorum for transacting and managing the affairs of the Company; and at the first meeting after the annual election, the said board of Directors shall appoint one of their members to be president, (who shall serve for one year, or until the next general annual meeting of Directors, and until his successor shall be appointed) and such other officers as shall be deemed necessary, at such salaries as they may deem proper; and at such meeting shall also nominate and appoint one of their number who shall be the managing director of the Company; and the said board of directors shall have the power to call special general meetings of the shareholders whenever they shall deem

Meetings of Directors. Quorum, officers, &c.

deem it necessary for any purpose to be mentioned in the advertisement thereof.

Sub-board of Directors, its powers and duties.

13. The president and two of the directors appointed from time to time by the board for that purpose, shall be a sub-board, and shall hold all requisite meetings for the transaction of business; and all policies of insurance issued by the Company, shall be signed by the president or managing director, and at least one of the directors so appointed, and shall be countersigned by the secretary; provided always that no director or officer shall be held liable except as a shareholder in the Company, for the giving out and signing policies of insurance or any other lawful acts, deeds or transactions done and performed in pursuance of this Act, and no director shall be answerable for, or chargeable with the defaults, neglects or misdeeds of others of them, or of any other officer or clerk of the Company.

Commencement of business.

14. So soon as the sum of fifty thousand dollars shall have been paid in on account of the said capital stock, and not before, the said board of directors shall proceed with the business and purposes of the said Company.

Subscription for shares. Calls and forfeiture for non-payment.

15. Any person may subscribe for such and so many shares as he may think fit, and five per centum on each share shall be paid at the time of subscribing therefor, and the remainder at such times as the directors for the time being shall appoint; and if any shareholder refuse or neglect to pay the calls or instalments thereon at the time when required so to do, he shall forfeit his shares, together with the amount paid thereon, and the said shares shall be sold and the sum arising from such sale, together with the amount so previously paid, shall be accounted for and divided in the like manner as the other moneys of the Company, unless the sum produced from such sale shall be more than sufficient to pay all arrears and interest on such instalments, together with the expense of such sale, and in such case the surplus of such money shall be paid on demand to the owner, and no more shares shall be sold than what shall be deemed necessary to pay such arrears, interest and expenses.

Enforcing payment of instalments by action.

16. In case the said directors shall deem it more expedient in any case to enforce the payment of any unpaid instalments, than to forfeit the shares, it shall and may be lawful for the Company to sue for and recover the same from such shareholder, with interest thereon, in an action of debt, in any Court having civil jurisdiction to the amount claimed, and in any such action it shall be sufficient to allege that the defendant is the holder of one or more shares (stating the number of shares,) and is indebted to the Company in the sum to which the calls in arrear may amount; and to maintain such action, it shall be sufficient that the signature of the defendant to some book or paper, by which such subscription of such shares shall appear, be proved by one witness, whether in the employment of, or interested in the Company, or in

in any way allied, or related to any of the said directors or shareholders, or other persons interested in the said Company, or not, and that the number of calls in arrear have been made.

17. The shares of the said Company shall be assignable and transferable according to such rules as the board of directors shall appoint and establish, but no stock not fully paid up shall be transferred without the consent of the Board, and transfers shall be recognized and acknowledged by the Company, only after they shall have been entered in the books of the Company: and no shareholder indebted to the Company shall be permitted to make a transfer or receive a dividend until his debt is paid, or security to the satisfaction of the directors be given to them that it will be paid; and if any shares are sold under execution the Company shall have the first privilege or lien upon the proceeds thereof for the payment of any debt due to the Company. Shares, how transferable, and subject to what conditions.

18. At each annual meeting a detailed statement shall be made which shall exhibit a full and unreserved statement of the affairs of the Company, of their funds, property and securities, the amount in real estate, bonds and mortgages, notes and other securities, therefor, public debt or other stock, and the amount of debt due to and from the Company, together with a fair estimate of the net profits of the Company not before divided, up to the first day of February in each year, and allowing for any previous or probable deficiencies, which said annual statement shall be submitted to the annual general meeting aforesaid. Annual statement of affairs.

19. After the submission of the said statement and approval thereof by the shareholders at the annual general meeting, or any subsequent adjourned or special general meeting, the board of directors shall declare such dividend in favor of the stockholders out of the net profits of the preceding period as they shall think fit, which dividend shall be paid in cash. Declaration of dividends.

20. Shareholders shall not be held liable for any claim, engagement, loss or payment whatsoever, for or by reason of the liabilities of the said Company of what nature soever, beyond the amount of the share or shares which each may respectively hold remaining unpaid; and after payment to the said Company of the full amount of such share or shares, such shareholders shall not be liable for any further sum of money whatever. Liability of shareholders limited.

21. All shares in the Company shall be deemed personal property. Shares personal property.

22. No dividend shall be declared or paid out of the capital stock of the Company, nor shall any dividend out of the said net profits be declared or paid unless the said capital shall be unimpaired. As to dividends.

Chief place of business. Branches.

23. The operations and business of the said Company shall be carried on at such place in the city of Montreal as the directors shall direct; but agencies with or without branch boards of directors, may be established elsewhere in Canada as the shareholders shall deem expedient, and each such branch board of directors shall consist of not less than three, who shall be shareholders to the extent of at least ten shares, or one thousand dollars each, and shall be appointed by the board of directors.

Suits against Company.

24. Suits against the Company may be prosecuted or maintained by any shareholder therein, and no shareholder of the Company not being in his individual capacity a party to such suit, shall be incompetent as a witness in suit and legal proceedings by or against the Company.

Company to be subject to 31 V. c. 48.

25. This Act and the Company hereby incorporated, and the exercise of the powers hereby conferred, shall be subject to the provisions contained in the Act thirty-first Victoria, chapter forty-eight, intituled: "An Act respecting Insurance Companies," and to such other Legislation on the subject of Insurance as may from time to time be passed; Provided always, that the Company shall make the deposit required by the fourth section of the said Act, by instalments, as in the said section is provided, the first of which instalments shall be so paid before the issue of the license required by the said Act.

Proviso, as to deposits.

CAP. LXX.

An Act to unite the Beaver and the Toronto Mutual Fire Insurance Companies.

Assented to 22nd June, 1869.]

Preamble.

WHEREAS, the Toronto Mutual Fire Insurance Company and the Beaver Mutual Fire Insurance Association have by their petitions set forth that they are respectively incorporated under the provisions of the Mutual Insurance Companies Act, chapter fifty-two of the Consolidated Statutes for Upper Canada, and have carried on business as such Insurance Companies for some years past at their head offices in the City of Toronto, and have prayed that for the more economical management of the business of the said Companies they may be united under one common name, with power to divide their business into three branches, and it is expedient that the prayer of the said Companies be granted: Therefore Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

Companies united, name of united Company.

1. On and after the passing of this Act the said The Beaver Mutual Fire Insurance Association shall be united with the said The Toronto Mutual Fire Insurance Company, and thenceforward the

the said Companies shall form one united Company under the name and style of "The Beaver and Toronto Mutual Fire Insurance Company."

2. The said united Company under the name aforesaid shall be a body corporate and politic, having throughout Canada all the powers, rights and privileges conferred upon Mutual Insurance Companies by the general Act, chapter fifty-two of the Consolidated Statutes for Upper Canada, and the several amendments thereof, and under, and subject to the obligations, responsibilities and duties thereby imposed upon such Companies, excepting in so far as the same may be inconsistent with the special Act twenty-seven and twenty-eight Victoria, chapter ninety-nine, hereinafter mentioned and with this Act. United Company to be a body corporate with certain powerr.

3. The said "The Beaver and Toronto Mutual Fire Insurance Company" may also exercise all the powers conferred upon the said The Beaver Mutual Fire Insurance Association by the Act twenty-seven and twenty-eight Victoria, chapter ninety-nine. May exercise powers under 27 and 28 Vic. cap. 99.

4. The President, Vice President and Directors for the time being of The Beaver Mutual Fire Insurance Association, may be the President, Vice President and Directors of the said "The Beaver and Toronto Mutual Fire Insurance Company," of whom one third shall retire annually, according to the practice of the said The Beaver Mutual Fire Insurance Association. Who to be the President, &c., of united Company.

5. From and after the first meeting of the said Board of Directors of the Beaver Mutual Fire Insurance Association, as the Directors of the said united Company, the Board of Directors of the said The Toronto Mutual Fire Insurance Company shall cease to exist, and all the obligations, powers and rights of the said two Companies respectively, shall attach to and be vested in the said The Beaver and Toronto Mutual Fire Insurance Company, which may sue and be sued, plead and be impleaded by virtue thereof in its own name, as though the contracts made by and with each of them respectively, had been originally made by and with the said united Company, and it shall not be necessary to plead this Act as authority therefor. Powers of both Companies to be vested in united Company.

6. The said united Company may take up the Guarantee Stock of the said two Companies respectively, and issue new stock therefor upon such terms as the holders of the said existing stock may agree to. May take up the Guarantee Stock.

7. The said united Company shall hencetorth have power and authority to make and effect contracts of Insurance with any person or persons, body or bodies corporate or politic, against loss or damage by fire on any house or houses, store or stores, or other building or buildings whatsoever, situate within the Dominion of Canada, and in like manner on any goods, chattels or personal estate whatsoever within the said Dominion, for such May insure property anywhere in the Dominion.

such term or terms, period or periods, and for such consideration and subject to such conditions and restrictions as may be agreed upon between the said Company and the person or persons, body or bodies agreeing with them for Insurance, and generally to do and perform all matters and things connected with or requisite to promote those objects.

United Company may divide its business into three branches.

8. The said united Company may divide its business into three branches to be called

1. The Farmer's Branch, comprising all the now existing risks of the said The Beaver Mutual Life Insurance Association.

2. The Household Branch.

3. The Mercantile Branch,—which two last named branches shall comprise all the now existing risks of the said "The Toronto Mutual Fire Insurance Company."

Officers may give bonds with the sole security of a Guarantee Society.

9. Each officer of the said United Company who is by law required to give a bond to the Company with two sufficient sureties conditioned for the faithful discharge of his duties, may, in lieu thereof, give such bond with the sole security of any Guarantee Society, approved of by the Board of Directors of the said United Company, and the said Board of Directors may accept the sole security of such Guarantee Society instead of the two sureties now required by law,

Policies for one year only, may be extended from year to year.

10. Policies already issued for one year only by said two Companies respectively, and all such policies which may henceforth be issued by the said United Company, may be extended from year to year by renewal receipts signed by the President, Vice-President or Managing Director of the said United Company, and countersigned by the Secretary, whereupon the original premium note of the assured, and all liabilities thereon, shall be and continue in full force and effect for the term so extended.

Certain wilful and corrupt false swearing, &c., to be perjury.

11. Wilful and corrupt false swearing or affirming, either oral or written, concerning any matter or thing relating to Fire Insurance in the said United Company, before any one having lawful authority to administer an oath or affirmation, shall be wilful and corrupt perjury; and notice to the defendant to produce any document in his posssession, power, or control, shall in all actions, suits or prosecutions by the said United Company, let in secondary evidence thereof if the same be not produced pursuant to the said notice.

This Act and the Company subject to 31 V. c. 48.

12. This Act and the Companies hereby united shall be subject to such provisions of the Act thirty-one Victoria, Chapter forty-eight, intituled: "An Act respecting Insurance Companies" as refer to the class of Companies transacting such business as the said Beaver and Toronto Mutual Fire Insurance Companies are authorized

authorized to carry on, and to such further general provisions respecting Insurance as may from time to time be enacted.

CAP. LXXI.

An Act to amend and consolidate the Acts respecting the St. Lawrence Tow Boat Company.

[*Assented to 22nd June*, 1869.]

WHEREAS the St. Lawrence Tow Boat Company have, by petition, prayed that their Act of Incorporation and the Acts amending the same be amended and consolidated, and it is expedient to grant their prayer: Therefore, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows: Preamble.

1. The capital stock of the Company may be reduced to such sum, not less than one hundred thousand dollars, as may from time to time be fixed by the majority of the shareholders present at any annual or special meeting to be called for that purpose; and may be so reduced either by the diminution in nominal amount of the amount of each share therein as now established or by the diminution of the entire amount of Capital, or by both means. Capital Stock reduced.

2. In addition to all property now held by the said Company, they shall have the right to purchase any real property necessary for the carrying on of their business, and to lease, mortgage or sell the same, and other property to purchase or acquire instead; but the whole value of all the real estate held by the Company shall not at any time exceed one hundred thousand dollars. Power to hold real estate. Proviso.

3. The affairs of the Company shall be conducted by five directors, but any greater number of the present directors may continue to act as such during their term of office. Directors.

4. At all meetings of the directors three shall form a quorum, and each director shall have one vote only. Quorum.

5. The directors shall elect from among themselves a president and vice-president; and all vacancies occurring amongst them shall be filled up by themselves, or by such of them as remain. President, Vacancies, &c.

6. At all meetings of the shareholders each shareholder shall have a vote for every share registered in his name in the books of the Company, at least one month previous to the date of such meeting; and the voting shall be by ballot or open, as the by-laws may direct. Votes and mode of voting.

Limited liability of shareholders. Proviso.

7. The shareholders shall not be responsible for any claim beyond the amount of their respective shares, but no change in the amount of capital stock or of the shares thereof shall affect the liability of the shareholder towards third parties or restrict his liability towards the Company in respect of any portion of his Stock remaining unpaid, in so far as such liability may require to be enforced for the satisfaction of any debt due by the Company previous to such change.

Who to preside at meetings. Casting vote. Minutes, &c.

8. At all meetings either of the shareholders or of the directors, the president, or in his absence the vice-president, or in the absence of both, then some one appointed by the meeting, shall preside; and the person presiding shall have a double or second vote in case of an equal division; minutes of the deliberations and decisions shall be entered correctly in books kept for that purpose, they shall be signed by the person presiding at the meeting, and such books, as well as all other books of the Company, shall be only accessible to the directors and shall be kept at the office of the Campany and no where else.

Quorum at meetings of shareholders.

9. No meeting of shareholders shall transact any business unless at least ten members possessing or representing at least one-third of the stock are present.

Dissolution of Company.

10. The Company may at any time, by a vote of at least ten shareholders possessing or representing at least two-thirds of the stock, at a general or special meeting of shareholders called for that purpose, dissolve their corporate existence, and wind up or provide for the winding up of their affairs.

Repealing clause.

11. The Acts of the Legislature of the late Province of Canada, twenty-sixth Victoria, chapter fifty-nine, twenty-eighth Victoria, chapter forty-six, and twenty-ninth and thirtieth Victoria, chapter one hundred and twelve, are hereby repealed in all cases:

1. In which there is a provision herein, having expressly or impliedly that effect,—

2. In which such Acts are contrary to or inconsistent with any provision herein contained,—

3. In which express provision is herein made upon the particular matter to which such Acts relate;

Exception, as to past transactions.

Except always, that as regards transactions, matters and things anterior to the coming into force of this Act, and to which its provisions could not apply without having a retroactive effect, the provisions of the said Acts which with or without this Act would apply to such transactions, matters and things shall remain in force and apply to them, and this Act applies to them only so far as it coincides with such provisions.

CAP.

CAP. LXXII.

An Act to enable James Blanchfield Smith, to obtain an extension of the Patent of a certain Invention.

[*Assented to 22nd June,* 1869.]

Preamble.

WHEREAS James Blanchfield Smith, by Letters Patent under the Great Seal of the late Province of Canada, dated the sixth day of December, one thousand eight hundred and fifty-four, became the patentee of a certain Invention of "a new and useful "improvement in the construction of portable or stationary Steam "or Water Saw Mills:" And whereas more than six months prior to the expiration of the term of limitation of the said patent, the said James Blanchfield Smith, did prepare and forward a Petition to the Governor, asking for an extension of his said Patent, and setting forth for the grounds thereof pursuant to the Statute of the said late Province, in that behalf, but by some accident the said Petition reached the proper office eleven days too late according to the time fixed in the said Statute, and therefore could not be acted upon as is provided by the said Statute: And whereas the said James Blanchfield Smith, has petition Parliament for an Act to enable him to obtain an extension of the said Patent, and it is expedient to grant the prayer of the said Petition: Therefore, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

J. B. Smith's Patent may be extended, after certain notice, and on certificate of a certain Board.

1. For, and notwithstanding anything to the contrary contained in sub-section four of section sixteeen of chapter thirty-four of the Consolidated Statutes of the late Province of Canada, an extension of the Patent mentioned in the preamble of this Act may be granted, under and subject to all the provisions contained in the said section sixteen, and in its sub-sections, two and three, on the petition of the said James Blanchfield Smith, presented at any time within six months from and after the passing of this Act, the notice required by said section sixteen to be published in two newspapers, being so published in the Province of Ontario, in the English language only, and the Board mentioned in sub-sections two and three of said section sixteen being constituted of the President of the Privy Council, the Minister of Justice, and the Minister of Finance, and sitting at Ottawa,—but nothing in this Act contained shall be construed in any way to confirm the validity of the original letters patent granted to the said James Blanchfield Smith, or to affect any litigation now in progress in reference thereto.

Rights of persons having used the invention saved.

2. Any person who by user or otherwise shall, within the period between the expiration of the Patent and the extension of the same, have acquired any right in respect of such Invention, shall continue to enjoy the same to all intents and purposes as though this Act had not been passed.

CAP.

CAP. LXXIII.

An Act to naturalize Eli Clinton Clark.

[*Assented to 22nd June*, 1869.]

Preamble.

WHEREAS Eli Clinton Clark, residing in the City of Toronto, in the County of York, Province of Ontario, and Dominion of Canada, lumber merchant, has by his petition represented that he is desirous of becoming a permanent resident of the said Dominion, and in order to be relieved from the legal incapacity under which he labours as an alien has prayed that he may be naturalized as a subject of Her Most Gracious Majesty; and whereas it is just and expedient to grant such prayer: Therefore, Her Majesty, by and with the advice and consent of the Senate and House of Commons of Canada, enacts as follows:

E. C. Clark to be deemed naturalized on taking the oath of allegiance within a certain time.

1. The said Eli Clinton Clark shall be deemed adjudged, and taken to have obtained all the rights and capacities of a natural born British subject within the Dominion of Canada, and to have, hold, possess and enjoy the same within the limits thereof, upon, from and after the passing of this Act; provided always, that the said Eli Clinton Clark, shall within three months after the passing of this Act take and subscribe before the Judge of the County of York, who is hereby authorized and directed to administer the same the oath of allegiance to Her Majesty, Her Heirs and Successors: and such oath so taken and subscribed shall be transmitted by such Judge to the Secretary of State for Canada, to be kept by him amongst the records of his office.

OTTAWA:—Printed by MALCOLM CAMERON,

Law Printer to the Queen's Most Excellent Majesty.

1869.—32-33 VICTORIÆ.

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